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LORD LYTTELTON'S

HISTORY

OF

KING HENRY II.

VOL. I.

BRITISH MUSEUM

THE

HISTORY

OF THE LIFE OF

KING HENRY THE SECOND,

AND OF THE AGE IN WHICH HE LIVED,

IN FIVE BOOKS:

TO WHICH IS PREFIXED,

A Hiſtory of the Revolutions of England
From the Death of EDWARD the Confeſſor
To the Birth of HENRY the Second:

BY GEORGE LORD LYTTELTON.

THE THIRD EDITION.

VOL. I.



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GENERAL

PREFACE

To the Whole WORK.

BEING desirous of employing my leisure hours in some manner agreeable to myself, and not useless to others, I have undertaken to write the life of King Henry the Second, one of the greatest princes in extent of dominion, in magnanimity, and in abilities, that ever governed this nation. But to five books on this subject I shall prefix a short history of the Revolutions of England, from the death of Edward the Confessor to the birth of Henry the Second; because the changes introduced into this kingdom in the reign of William the First, and under the three succeeding kings, continued to influence, and in a great measure to form, the political system, in which Henry was engaged. Nor shall I, after the example of some ancient biographers, confine myself only to his personal actions, referring the reader to the accounts of other historians for the general state of the nation and of public affairs, or describing it superficially. In writing the life of this prince I mean to write a part of the history of my country, and shall therefore attend as carefully to all that regards the constitution of England, as to circumstances where his character alone is concerned.

Some modern writers have compoſed general hiſtories, in which this period is comprehended; but, without derogating from the merit of any of theſe, it muſt be acknowledged, that, in works of ſo vaſt an extent, there cannot be ſuch a full detail of particulars, nor ſo much exactneſs and accuracy, as in thoſe which are confined to narrower limits. It is only in the latter, that the ſeveral ſteps and preparatory meaſures, by which great actions are conducted, and great events are brought on, can be ſhewn with any clearneſs. Much in this hiſtory will therefore be new to many of my readers; and if it is favorably received by the public, others may be encouraged to purſue a ſimilar plan, and take the ſame pains, with greater abilities, in writing the lives of ſome other kings of England, which have not been hitherto treated of ſo diſtinctly and ſo amply, as the importance of the matters contained therein may be ſuppoſed to require. There is no branch of literature in which the Engliſh have leſs excelled; though ſurely there is none which deſerves more to be cultivated by a free people. It ſhews them the birthright they have in their privileges, raiſes in their minds a generous pride, and makes them aſhamed to degenerate from the ſpirit of their anceſtors. Whereas nations that have loſt, or given up, their liberties, are afraid to revive the memory of what they have been in better days, or to ſpeak of the paſt without a timorous caution, leſt it ſhould be underſtood to reflect on the preſent. Nor can the ſincerity which is requiſite in an hiſtorian, conſiſt with the baſeneſs and adulation of ſervitude, but may ſafely diſplay itſelf under the friendly

friendly protection of liberty, and the good influence of a government which has nothing to fear from hiſtorical truth.

We are not indeed ſo intimately concerned in the tranſactions of more remote times, as in thoſe of the preſent or the laſt century; but, if we can attend, with an eager ſenſe of delight, to the accounts we find, in ancient writers, of the earlieſt ages of the Roman republic, the acts of thoſe mighty princes, who rendered this kingdom illuſtrious in Europe, and eſtabliſhed its conſtitution on the baſis of freedom, above ſix hundred years ago, may reaſonably intereſt us in a higher degree: it being as natural for nations, as for particular families, to be fond of looking back upon the firſt founders of their honor and greatneſs.

The materials, tranſmitted to us, by the care of our anceſtors, for a work of this kind, though not ſo compleat as might be wiſhed, are much better than thoſe which form the Roman hiſtory, from the building of Rome to the ſecond Punic war. With relation to the reign of Henry the Second we have ſuch as are to be found in few other periods of ancient or modern times, viz. collections of letters, written on affairs of great moment, by ſome of the principal actors in thoſe affairs, or perſons employed by them, and deep in their confidence. From thence I ſhall take almoſt all the particulars of Henry's quarrel with Becket, and throw light on many other important tranſactions.

In the ſecond book of this volume, which will contain the hiſtory of that prince from his birth, till he aſcended the throne of England, will be likewiſe

wiſe included the chief occurrences of the reign of King Stephen; which I ſhall relate with ſome detail; becauſe, though Henry was too young, during a great part of that reign, to act for himſelf, yet he had ſo near a concern in the buſineſs of thoſe times, that, without a thorough knowledge of it, the judgment of the reader, on his ſubſequent life, and the view of the whole ſcene, which opened to that prince, as ſoon as he came into action, would be very imperfect.

All diſquiſitions of a critical nature, concerning the dubious and controverted points which occur in this work, or any ſuch remarks as I think would diſagreeably interrupt the narration, I ſhall throw into notes, and place them at the end of each volume, reciting the ſeveral paſſages to which they refer, at the head of each note. There will alſo be joined to theſe ſome valuable pieces, not printed before, or printed in books that are in very few hands; and ſome tranſcripts of charters, laws, ordinances, &c. which are too long to be inſerted in the body of the hiſtory, or which ſome of my readers may like to ſee in the original language.

The life of Henry the Second, which I have choſen to make my principal ſubject, appears to me particularly inſtructive, from the uncommon variety of the events it contains; from its being diſtinguiſhed by great virtues and great faults; by ſudden and ſurpriſing changes of fortune in the affairs of this kingdom; by the ſubjection of Wales, of Scotland, and of Ireland; and by a glory ſurpaſſing all military atchievements, the reformation of government,

vernment, and the eſtabliſhment of good laws, and wiſe inſtitutions, beneficial to the publick. Theſe are objects deſerving the attention of all ages; and they who think it beſt to contract the accounts of ſuch events into narrow abridgements, ſeem rather to favor the idleneſs than conſult the inſtruction, or pleaſure, of their readers. The greateſt merit I can pretend to in compoſing this hiſtory will be a faithful compilation of all material facts, relating to my ſubject, from the moſt authentick evidence that a very diligent and laborious ſearch could procure. I ſhall always prefer the authority of contemporary writers to that of others more diſtant, and be moſt directed by thoſe who had the beſt opportunities of being informed of the truth, and the beſt underſtandings to judge of it in doubtful matters; unleſs, from an apparent bias on their minds, there is reaſon to diſtruſt them as partial.

From the diſtance of the times I write of this advantage ariſes, (and to me it ſeems not a ſmall one) that I ſhall be under no temptation to alter or diſguiſe the truth of any facts, from a regard to preſent intereſts or preſent paſſions. The times we live in have no reſemblance to thoſe treated of here, either in the general ſtate of public affairs, or in the characters of eminent perſons, or in the conduct of particular bodies of men. Whatever, for inſtance, is ſaid of the clergy during the courſe of this work, let it be always remembered that it is ſaid of the clergy in the eleventh and twelfth centuries; that is, in the moſt corrupt and dark ages of popery, when the pure light of the goſpel was almoſt

almoſt extinguiſhed, and the miniſters of it were become a mere faction, combined together, under a foreign head, againſt the civil power. No part of that blame can fall upon the preſent clergy of England. On the contrary, there is nothing that ſhould more endear to us our happy eſtabliſhment in church and ſtate, than an attentive review of the many evils we ſuffered, when another religion, and, under the ſanction of *that*, quite different notions of eccleſiaſtical power prevailed in this kingdom. Even with regard to civil liberty, if the degree of it enjoyed by our anceſtors be compared with that aſcertained, confirmed, and ſecured to us by our preſent conſtitution, the advantage will be found ſo great on our ſide, that it will make us more ſenſible of our felicity, and ſtrengthen our zeal to maintain it. But at the ſame time we ſhall ſee that our claim of rights is ſupported on very ancient foundations; and that even the rudeſt form of our government has always been animated by the ſpirit of freedom. May that ſpirit continue to inſpire and ſupport it in the more perfect ſtate, to which it has been gradually brought by the wiſdom of many ages, and more particularly by the Revolution in the year ſixteen hundred and eighty eight; when the bounds of the royal prerogative were better marked out, and the privileges of the people more clearly defined and eſtabliſhed, than at any other period from the Norman invaſion, or even from the firſt ſettlement of the Saxons in Britain.

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THE

HISTORY

OF THE

Revolutions of ENGLAND

From the Death of EDWARD the Confeſſor

TO THE

Birth of HENRY the Second.

THE kingdom of England, after having been harraſſed by the invaſions of the Danes, and ſubject ſucceſſively to three kings of that nation, had been reſtored to the Anglo Saxons at the death of Hardicanute, by the election of Edward, ſurnamed the Confeſſor, one of the ſons of King Ethelred by Emma of Normandy. This prince, who was fitter for a monaſtery than a throne, having reigned, under the direction of the great lords of his court, about four and twenty years, died without iſſue, in the year of our Lord one thouſand and ſixty ſix. Towards the end of his life he had called over from Hungary his nephew Edward, ſon to his elder brother Edmond Ironſide, with an intention to make him his ſucceſſor. Edmond Ironſide, at the death of his father, King Ethelred, had been

V. Malmſb. l. ii. de geſt. Reg. Anglor. f. 45.

V. Malmſb. ibidem, f. 52. ſect. 59.

acknowledged by the Engliſh as their ſovereign, and had defended his kingdom, with extraordinary valour, againſt the Danes, till, by the treachery of one of his nobles, he was forced to divide it with Canute king of Denmark, and ſoon afterwards died. He left two ſons, whom Canute ſent into Sweden, that they might be there put to death; as ſome hiſtorians relate: but others ſay, with more probability, that he ordered one of his Danes to carry them into Denmark: and that the man, moved with pity for theſe innocent victims of a barbarous policy, inſtead of obeying that command, went with them into Sweden; the king of which country, being apprehenſive of bringing on himſelf a war with Canute, by protecting them there, conveyed them from thence into Hungary, where Edwin, the elder of them, died without poſterity. The younger, named Edward, married Agatha, ſiſter-in-law to Solomon king of Hungary, and daughter to the emperor Henry the Second. When the Engliſh, after the deceaſe of the two ſons of Canute, were again enabled to chuſe a king of their own royal family, this prince would inconteſtibly have had the beſt title, if the Saxon conſtitution had always diſpoſed of the crown in a lineal courſe of deſcent. But the notion of a ſtrict hereditary right not being hitherto ſo eſtabliſhed in England, as conſtantly to direct the ſucceſſion, Edward, Ethelred's younger ſon, with the aſſiſtance of Godwin Earl of Weſſex, whoſe daughter he

V. Chron. Saxon. ſub ann. 1016. p. 148, 149, 150. Malmſb. l. ii. f. 41. V. S. Dunelm & Diceto abbrer. Chron. ſub ann. 1017. Brompt. Chr. p 907.

V. Malmſb. l. ii. f. 45, 52.

pro-

promiſed to marry, was raiſed to the throne; and no notice was taken of his nephew during ſeveral years, till he was called home, at the deſire of King Edward himſelf, and declared by that monarch, with the conſent of the nation, heir to the crown. This could never have happened, if the election of his uncle, in preference to him, had not been eſteemed *a legal act*: for no uſurper, without being forced to it by foreign or civil arms, would bring the perſon, whoſe right he had invaded, to reſide in his kingdom, with the rank of his ſucceſſor, during his own life-time. There being hardly any hopes of the king's having a child, and no other prince of the royal family remaining alive, except this Edward, and his ſon Edgar, the Engliſh, without impeachment of the former choice they had made, turned their eyes towards them, and willingly concurred with their ſovereign in calling them over to inherit the kingdom. But it was otherwiſe directed by Providence. The unfortunate Edward died ſoon after his return into England, leaving the abovementioned ſon, and two infant daughters, Margaret and Chriſtiana, whom the king, with great affection, bred up in his court, and even gave Edgar the title of Atheling, which belonged to the royal family, and ſeemed to mark him out as heir to the crown. Yet, notwithſtanding this appearance of an adoption, as he was ſtill under age when King Edward died, he was not thought capable of taking the government, and there-

fore was not nominated by that monarch at his death, to ſucceed to his kingdom; and the ſame objection prevailed with the great council, or Witena-gemote, to ſet him aſide, and elect Harold, the ſon of Earl Godwin.

V. Spelman. Alfredi Magni vita, l. i. p. 9.

The excluding of a minor from the ſucceſſion in England was not new to the Saxons. They ſaw the evils that may attend a minority in the ſtrongeſt lights, and did not conſider (as they ought to have done) what greater miſchiefs might follow, when a prince who had been thus excluded ſhould come of age, and be capable of aſſerting a claim to the crown; but ſought to avoid a preſent inconvenience, againſt which other and better remedies might have been found, with little providence or care for the future. It was from this ſhort-ſighted policy, and alſo from the deſire of having a king able to command their armies himſelf in time of war (a duty they thought eſſential to ſovereignty) that they now were induced to prefer Harold to Edgar. If they could have found any other of the royal blood of England, who was not a minor, they would, undoubtedly, have preferred that perſon to Harold; becauſe, though they often broke the line of ſucceſſion, they always adhered to one family; for which reaſon they had permitted the ſons of king Edgar, Edward the Martyr, and Ethelred, to take the crown, notwithſtanding their nonage: but the experience of the misfortunes the nation had ſuffered,

ſuffered, during the minority of the latter, might be an argument againſt Edgar Atheling: and, if they would not make him their king, they were obliged to elect one from another family; in which caſe there was none that could ſtand in competition with that of Earl Godwin. For (beſides the alliance which he had contracted with the Saxon royal blood, by the marriage of his daughter with Edward the Confeſſor) his ſecond wife, by whom he had Harold, was niece to Canute the Great: the whole power of the government had long been veſted in him and his ſons; and after his deceaſe Harold had drawn it all to himſelf, with no ſmall advantage both to the crown and the nation. He ſo conducted the affairs of the kingdom, that he made the reign of a very weak prince moſt happy to the Engliſh: victory attended his arms on the borders; liberty and peace were maintained by him at home. There was much dignity, gracefulneſs, and ſtrength in his perſon; he had a courage and reſolution which nothing could daunt, an eaſy flow of natural eloquence animated by a lively agreeable wit, and elevation of ſentiments with popular manners. Beſides all the luſtre he drew from his political and military talents, in which he had no equal among his own countrymen, his character was embelliſhed, and rendered more amiable, by a generous ſpirit, and a heart in which humanity tempered ambition. It does not appear that his virtues were diſgraced by the mixture of any

V. Malmſb. de geſt. Reg. Angl. l. ii. f. 46. ſect. 50. Florent. Wigorn. p. 635, ſub ann. 1067. S. Dunelm. de geſt. Reg. Angl. p 197. ſub ann. 1067.

Ord. Vital. l. iii. p. 492, et 500. Malmſb. de Gul. I. l. ii. f. 52.

vice or weakneſs, which could diſhonor him in the eyes of the public. Upon the whole, he was worthy of the crown he aſpired to; which is confeſt even by writers no way diſpoſed to judge of him too favourably, and ſtill better proved by all his behaviour after he was on the throne.

If we may believe ſome ancient hiſtorians of no little authority, his election was grounded on the laſt will of king Edward, or at leaſt on his dying words: but even allowing their evidence in this point to be falſe, ſtill that election will remain good and valid. For though the nomination of Edward, if given to Harold, was a very important advantage, becauſe the Saxons uſually ratified the will of their king in appointing a ſucceſſor; yet his not being ſo named could not deſtroy the right of the nation to chuſe a king for themſelves, according to the maxims they had received from their anceſtors; eſpecially at a time when they were in danger of a foreign invaſion. And the alarm of ſuch a danger was then very great.

See Malmſb. l. ii. de Gul. I. f. 52. et. Orderic. Vit. l. iii. p. 492. et 500. See Flor. Wigorn. & Chron. Sax. ſub ann. 1066. Eadmer. hiſt. nov. l. 1. p. 5. G. Pictav. Geſt. Gul. Duc. p. 200.

William Duke of Normandy, ſurnamed the Baſtard, laid claim to the crown of England. He was ſon to Robert the Second, by Arlotta, the daughter of a furrier at Falaiſe: but, notwithſtanding his illegitimacy and the meanneſs of his mother, he had been allowed to ſucceed in the dutchy to his father, though not without the oppoſition of dangerous factions, particularly, during his nonage. They were

were all overcome by the prudent care of his guardians, and by his own great abilities, which, when he came to an age of manhood, raiſed the dutchy of Normandy to a higher pitch of glory, than it had ever attained to, under any of his predeceſſors.

That country, called Neuſtria, before it was gained by the Normans, had been yielded by Charles the Simple, in the year nine hundred and twelve, to Rollo, a Daniſh prince, who, at the head of an army collected from all Scandinavia, had taken Roüen, and invaded from thence the neighbouring provinces, till the progreſs of his arms was ſtopped by this ceſſion. For above half a century France had been deſolated by theſe valiant corſairs, the laſt ſwarm of Barbarians emitted by the North. They came in flat-bottomed veſſels, and ſailing up the mouths of the principal rivers, ravaged the country with horrible devaſtations: but none before Rollo had acquired any fixed eſtabliſhment in that kingdom. To him and his ſucceſſors this province was granted, with the title of a dutchy, upon his conſenting to embrace the Chriſtian religion, and to hold his dutchy under homage to the French crown, which, by the diviſions that had happened in the family of Charlemagne, and the incapacity of moſt of his ſucceſſors, was fallen into great weakneſs. If the ſame government had continued, the poſterity of Rollo would probably have become quite independent: but the monarchy being ſtrengthened by the power of

Hugh Capet and the kings of his race, the dukes of Normandy remained peers and vaſſals of France; and the Normans were gradually humanized by their intercourſe with the French. They had brought with them, and pertinaciouſly retained, a fierce ſpirit of liberty, common to all the northern nations: but though they preſerved ſeveral of their own ancient cuſtoms, they received and adopted the ſyſtem of feudal law, which was ſettled in France about the time of Hugh Capet, thinking it neither inconſiſtent with freedom, nor diſagreeable to the genius of a military people. The treaty made with Rollo had rendered Bretagne a fief of their dutchy; and the Bretons were compelled, by the arms of the dukes of Normandy, to acknowledge their ſovereignty; yet not without repeated and vigorous efforts to ſhake off that dependence.

Encomium Emmæ. Malmſb. de geſt. Reg. Angl. l. ii.

The firſt beginning of any connexion between the Normans and the Engliſh was in the year one thouſand and two, when Ethelred king of England married Emma the daughter of Duke Richard the Firſt, who was the grandſon of Rollo. She brought him two ſons, the princes Alfred and Edward, of whom the latter was diſtinguiſhed afterwards by the name of the Confeſſor. The revolution which happened upon the death of her huſband obliged her to ſend her children to Normandy, and take refuge herſelf in that country; from whence ſhe returned, to give her hand to Canute,

Canute, who, after the death of Edmond Ironſide, Elthelred's ſon by a former wife, had, with the unanimous conſent of the Engliſh, added the monarchy of England to that of Denmark. By this prince ſhe had a ſon named Hardicanute, who in the year one thouſand and thirty ſix ſucceeded to him in Denmark; but England fell to Harold, ſurnamed Harefoot; his ſon by an Engliſh lady, whom ſome authors call his wife, and others his miſtreſs. As for the ſons of Emma by Ethelred; they had remained, during the life of Canute, in the court of the duke of Normandy; their mother being afraid to bring them into England, leſt they ſhould be ſacrificed to the jealouſy of that king. But, on the death of his father-in-law, Alfred came over: and unhappily truſting his perſon to earl Godwin was delivered by him to Harold Harefoot, who put out his eyes; of which cruel treatment he died, much lamented by the Engliſh. Emma thereupon fled again out of England, and continued in Flanders till after Harold's deceaſe, which happened in the year one thouſand and thirty nine. Hardicanute, who ſucceeded to his brother without oppoſition, recalled her from thence, and alſo Prince Edward, her ſon, from Normandy; where he had reſided ſo long, and received ſuch impreſſions from education and habit, that he was become almoſt a Norman. When he was ſet on the throne of England, he followed the cuſtoms and faſhions of Normandy, and introduced many of them into his kingdom: the

Vid. Ingulphum, p. 62.

French

French language was ſpoken by moſt of his nobility, and the Norman forms were uſed in legal proceedings. Biſhopricks, earldoms, and lands were given by him to ſeveral Normans; his court was filled with them; and they ſo engroſſed his favor, that at laſt, by their influence, earl Godwin and his ſons were driven out of England: but they preſently returned, and obtained a decree, from the king and the great council, to expel all the Normans; among whom was Robert archbiſhop of Canterbury, who died in his exile. Nevertheleſs the king's heart remained unaltered. He kept up a cloſe friendſhip with William duke of Normandy, and, after the death of his nephew, ſecretly promiſed to appoint him his ſucceſſor in the kingdom of England: a promiſe not confirmed by the conſent of the nation, and to which they paid no regard. On the contrary, the apprehenſion of being ſubjected to the government of a foreigner, which, Harold, who was informed of the pretenſions of William before Edward died, infuſed into them on that event, inclined them the more to ſet aſide Edgar Atheling; as, in ſuch a conjuncture, the defence of the kingdom ſeemed abſolutely to require a prince of experienced valour and wiſdom. The beſt expedient would have been, to have given the crown to Edgar, and made Harold protector; but it was not then thought of; or at leaſt we do not find that it was ever propoſed.

Chron. Saxon ſub ann. 1051, 1052.

V. Ingulph. p. 68. ſub ann. 1065.

See Ingulph. Pictaven. Gemiticen. Order. Vital. H. Huntin. E contra, Chron. Sax. Flor. Wigorn.

No credit, I think, is due to what is ſaid by ſome

ſome hiſtorians, in contradiction to others of better authority in this point, *that Harold intruded himſelf into the throne without the general conſent of the nation.* There is more reaſon to wonder, that when the Normans were maſters of England, any who lived in thoſe times, or ſoon afterwards, ſhould dare to write truth upon ſo delicate a ſubject, than that ſome of them ſhould impeach the title of Harold, and ſpeak of him as an uſurper. But that he had the affections of the nobles and people ſtrong on his ſide appears from this fact, in which all the contemporary authors agree, that no party declared itſelf, while he was alive, either in behalf of Edgar or of William. The latter indeed had nothing to alledge in ſupport of his claim, but the promiſe of the late king, not even authenticated by his laſt will: and his will itſelf, had it been made in favour of William, without the ratification of the great council, would not have been obligatory to the people of England.

Sim. Dunelm. Eadm. hiſt. nov. Diceto, Abb. Chron. Hoveden ann. p. 1. omnes ſub ann. 1065, 1066.

See Ingulph. p. 65. 68. Malmſb. l. ii. f. 52.

The duke indeed might charge Harold with the breach of an oath; that nobleman having ſworn to him, not long before, that he would aſſiſt him in his views of ſucceeding to Edward; which he was induced to do by a kind of compulſion. For, being at ſea, upon a party of pleaſure, he was ſurpriſed by a ſtorm, and thrown on the territories of the earl of Ponthieu, who inhoſpitably ſeized and detained him a priſoner, hoping to obtain a great ranſom for him. In this diſtreſs he applied

See William of Malmſb. l. ii. f. 52. l. iii. f. 56.

to

to the duke of Normandy, of whom the earl held ſome Norman fiefs, and begged his aſſiſtance. That prince immediately procured his releaſe, and received him in Normandy with many demonſtrations of the higheſt regard. But he, who felt, that he was only in a more honorable ſtate of captivity, while he was there, under the power of the duke, ſought to recover his liberty at any rate; and therefore took the abovementioned oath, too much and too evidently againſt his own intereſts, to permit one to think, that it could be a free or a voluntary act: though, to induce him the more to it, William promiſed to give him one of his daughters in marriage. He afterwards pleaded, that the conſtraint he was under, and the nature of the oath, illegal in itſelf, as being unauthoriſed by the conſent of his country, diſſolved the obligation. Certain it is, that he ought not to have entered into ſuch a compact with the duke: yet a leſs ambitious man would have been deterred by it, from endeavouring to gain a crown for himſelf, which he had thus ſolemnly engaged to procure for another. But whatever reſtraint his oath might be upon him, it could not bind the nation, which was no party to that agreement. King Edward himſelf had no power, and much leſs a ſubject, to diſpoſe of the realm to a foreign prince without their approbation. It is therefore moſt evident, that the attempt of the duke of Normandy was an unjuſt violation of the rights of the Engliſh, and that thoſe writers who

who have aſſerted that his title was good, or better than Harold's, did not very accurately conſider the queſtion: eſpecially, if it be true (as is affirmed by many authors, both Engliſh and Norman, whoſe teſtimony I think can hardly be rejected) that king Edward did on his death-bed nominate Harold his ſucceſſor. For then he might plead (as William of Poictou ſays he did, in a meſſage to the duke upon his landing in England) that although he had ſworn to confirm to that prince the ſettlement of the crown, which Edward had formerly promiſed to make in his favour; yet, as it had been ſince revoked by a later in favour of himſelf, which by the cuſtoms of England ought to take place, he could not be now obliged to fulfil an engagement, contracted under ſuch different circumſtances, and upon a foundation which no longer remained. Certainly this alteration of Edward's intention, if it did not free Harold from all the obligations incurred by his oath, took from the duke of Normandy the ſole pretence, upon which he could have any pretenſions to England: for though ſome of our ancient hiſtorians have laid a great ſtreſs upon the relation he bore to that king, whoſe mother Emma was aunt to his father, it is, I think, very clear, that, not having a drop of Engliſh blood in his veins, he could not, from ſo remote an affinity, derive any hereditary right to the crown. To Edward indeed it might be ſome recommendation, and, together with the favours he had received in his youth from

See Flor. Wigorn. et Chron. Sax. ſub ann. 1066. Eadmer. l. i. p. 5.

See Pict. Geſt. Gul. Duc. p. 200.

from the duke, might incline him to bequeath his realm to that prince; from which the difficulties of bringing the nation to give their conſent to it might force him to depart, and nominate Harold, agreeable to their wiſhes. But that *againſt* his laſt will, or even *without* it, the duke had any right of ſucceſſion to the crown, cannot be ſuppoſed with the leaſt ſhadow of reaſon. Yet, weak as his title was, it had the ſanction of the pope's approbation, able in thoſe days to ſupply all defects. This he gained by reſpectfully ſubmitting his cauſe to the judgment of Rome, which Harold not doing, he was declared an uſurper by Alexander the Second; that ſee proceeding in this affair upon a political maxim it often has followed, to give ſentence in favour of thoſe who apply to it, againſt thoſe who do not, without any regard to the merits of the caſe.

Malmſb. l. iii. f. 56.

William having thus, as other uſurpers had done before him, helped out a bad title, and hallowed an enterprize very unjuſt in itſelf, by the papal benediction, reſolved to purſue it, notwithſtanding ſuch difficulties, as none but a great and heroic ſpirit would have dared to encounter. The forces of Normandy bore no proportion to thoſe of the kingdom he deſigned to invade; and he had no reaſon to expect any addition of ſtrength from the neighbouring princes: becauſe many of them had been lately at enmity with him, and all were jealous of the encreaſe of his power. He had indeed married the daughter of Baldwin the Fifth,

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earl of Flanders, who was then regent of France in the minority of Philip the Firſt; and to this alliance he owed that he was not obſtructed in his deſign by that crown; but he could not obtain from the government any aſſiſtance. It was not with a cowardly or diſpirited people that he was to contend. The long and peaceful reign of King Edward the Confeſſor might have poſſibly rendered the Saxon militia ſomewhat leſs formidable: but ſtill the general temper of the nation was warlike; nor was the tranquillity of thoſe times ſo profound, as not to afford them ſome occaſions of exerciſing their valour, in which they nobly maintained their ancient reputation. An Engliſh army, ſent out of Northumberland by Edward, had vanquiſhed Macbeth, and reſtored Malcolm Canmore to the kingdom of Scotland. Another had very lately, and under the command of Harold himſelf, ſubdued the Welſh. His navy was much ſuperior to that of the Normans, both in the number of ſhips and goodneſs of ſailors; as the Norman writers themſelves acknowledge. He was further ſtrengthened by a cloſe alliance with Denmark, being of the royal blood of that nation, by Githa his mother, who was ſiſter to Swain, or Sueno, the king then reigning; which naturally endeared him to all his ſubjects of Daniſh extraction, who were ſtill very numerous in ſome parts of England, and was a much nearer connexion than the ancient relation between the Danes and the Normans. We even find,

See Dunelm. et Hoveden, ſub ann. 1054. Malmſb. de geſt. R. A. f. 44. c. 13. See Ingulph. p. 68. Flor. Wigorn. ſub ann. 1063. Malmſb. f. 44. Dunelm. ſub ann. 1064. See Pict. geſt. Gul. D. p. 198. et Ord. Vit. l. iii. p. 493. See Flor. Wigorn. p. 635. ſub ann. 1067. et Ord. Vit. p. 502. l. iii. et S. Dun. de geſt. R. A.

find, that a conſiderable body of troops was ſent to him by his uncle, on the firſt alarm of an invaſion deſigned againſt him from Normandy. On the ſide of Wales, or of Scotland, he had nothing to fear; the princes, who governed the Welſh, being attached to his intereſts; and the Scotch under Malcolm, who owed his crown to the Engliſh, having a league of friendſhip with that nation, on which Harold might rely with ſecurity. Among his own people there was no diſcontent, to invite or aſſiſt an invader. His government was ſo gracious, that his ſubjects would have loved him though he had been an uſurper. And, if we may judge from what had paſſed in the reign of Edward the Confeſſor, the Normans were of all foreigners the moſt odious to the Engliſh, whoſe animoſity againſt them had appeared in national acts, and had overpowered the inclinations expreſſed by Edward in their favor. When all theſe circumſtances are conſidered, it may well be affirmed, that there is no enterprize recorded in hiſtory more ſurprizingly bold than this of the duke of Normandy. But what, in an ordinary man, would be a culpable raſhneſs, in a great man is a proper exertion of extraordinary talents. So ſtrong was the influence which the ſuperior genius of this prince had over the Normans, that, as if he had animated them with his own ſpirit, they voluntarily agreed to give him the aid he deſired, in this unneceſſary and dangerous war which they were not bound to ſupport in virtue

p. 197. ſub ann. 1067. Pictav. geſt. Gul. Ducis Norm. p. 201. See Ingulph. ſub ann. 1095. Flor. Wigorn. ſub ann. 1064. Sax. Chron. ſub ann. 1063. See Dunelm. et Flor. Wigorn. ſub ann. 1066.

See Orderic. Vital. et geſt. Gul. Duc. ſub ann. 1066. Malmſb. l. iii. f. 56. ſect. 50.

tue of their tenures; and followed him to it with no leſs alacrity, than if it had been their own quarrel. But, being ſenſible of the danger of leaving his dominions ſo ſtript of their forces, he provided againſt it by a league with the emperor Henry the Fourth, a mighty and warlike prince, who promiſed to defend him, as an ally of the empire, againſt any invader. And thus he took off, or much leſſened, a very weighty objection, which ſome of the nobility are ſaid to have urged againſt his undertaking, when he firſt propoſed it to his council. Euſtace earl of Boulogne confederated with him therein, and even ſerved him in perſon. This added much to his ſtrength; Boulogne being, at that time, very conſiderable in navigation and maritime power; which helped to ſupply the deficiency of his ſhipping and ſeamen. Nor was it a ſmall advantage that he drew from the reputation of Euſtace, who, being accounted a perſon of great prudence and ſagacity, ſeemed to vindicate the duke of Normandy, by the part he took in this enterprize, from the charge of temerity, and induced others of a like character to run the ſame hazard. Such was the fortune of that duke, and ſuch his ability in negociation, that he likewiſe obtained aſſiſtance from ſome princes of France, whoſe arms Harold had thought would have been rather employed to diſturb him in Normandy, than abett his deſign upon England. Conan duke of Bretagne, on the firſt notice he received of that deſign, Gemiticen. l. vii. c. 33.

had declared war againſt him, in terms very offenſive: but, before he could execute his intended hoſtilities, he fell ſick and died, ſo opportunely for William, that it excited a ſuſpicion, of his having been poiſoned at the inſtigation of that prince; but, I am perſuaded, moſt unjuſtly: for the account given us of the means by which it was perpetrated is very incredible, and ſeems to have been grounded upon no better evidence than vulgar opinion. Hoel, the ſucceſſor and brother in law of Conan, was ſo far from purſuing any revenge againſt the duke, that he ſent a large force, under his ſon, Alan Fergant, to aid him in his enterprize againſt King Harold; which decency would not have allowed him to do, had there been any ſufficient cauſe to believe this report. Thus the impediment of a quarrel and a war with Bretagne, by which all William's views upon the kingdom of England would, probably, have been for ever defeated, was not only removed, but the heir of that dutchy and the beſt of it's ſoldiers were engaged in his ſervice. The earl of Anjou alſo ſent ſome troops to aſſiſt him, in the procuring of which he muſt have been very dextrous; no potentate being leſs entitled than he to the friendſhip of that ſtate, from which he had taken, but a little before, the bordering earldom of Maine. Beſides theſe auxiliaries, the high pay which he gave, and the promiſes which he made of lands in England, drew to his banner, from all the neighbouring countries, which

Orderic. Vital. et Pictav. ſubann. 1066.

which happened at this time to be in peace, a great number of good officers and veteran ſoldiers, who wanted employment, and were ready to engage in any adventure, that might give them a proſpect of advancing their fortunes. Indeed the nature of the governments then ſettled in Europe, and the temper of the people, diſpoſed them ſo ſtrongly to military atchievements, that they could not live in quiet: and as the faſhion of cruſades was not yet introduced, to give a vent to their martial humour in Aſiatick wars, it diſcharged itſelf in ſuch enterprizes as this againſt England. The duke of Normandy's character anſwered all thoſe difficulties, which might reaſonably have deterred them from joining him in it, and raiſed their hopes above any apprehenſions of danger. They called to mind, with what extraordinary valour and conduct he had ſubdued all the factions within his dominions, and triumphed over all enemies who had attacked him from without, among whom was his ſovereign, Henry the Firſt, King of France. Under a leader ſo intrepid, ſo prudent, and ſo fortunate, they confidently aſſured themſelves of ſucceſs, and fired their imaginations with ſplendid ideas of wealth and honors in England. Thus he made up an army of fifty thouſand horſe and ten thouſand foot, all choſen men; according to the account of one who attended him in this expedition. To tranſport ſuch a cavalry was an affair of much difficulty; yet he found means to do it, by the vaſt num-

V. Pictav. geſt. Gul. D. p. 197. 199. Orderic. Vit. l. iii. p. 500.

ber of ſhips he procured for that purpoſe, having (as a contemporary hiſtorian affirms) a fleet of three thouſand ſail, great part of which he had ordered to be built with this intent. The charge of providing and equipping it was borne by his vaſſals, who contributed to it in proportion to the lands that each of them held. But Normandy alone could not furniſh all the ſeamen ſuch a navy required; and therefore it may be preſumed, that ſome were obtained from his new ally in Bretagne, and many from Flanders and the earldom of Boulogne.

V. Gemiticen. l. vii. c. 34. V. Malmſb. l. iii. de W. I. f. 56. ſect. 50. See alſo the Appendix.

While this prince was thus buſied in collecting together, or, rather, creating a force, which might enable him to contend for the crown he aſpired to, Harold was no leſs active in making preparations to defend it againſt him. But, before the Engliſh monarch had occaſion to oppoſe his arms to the Normans, he was obliged to employ them againſt other invaders, whom he did not expect. His own brother Toſti, a man given up to the worſt paſſions, and capable of gratifying them by the worſt means, was the firſt enemy who diſturbed the peace of his realm. This lord, in the reign of Edward the Confeſſor, had been earl of Northumberland, and by many grievous oppreſſions had ſo irritated the people, that riſing in arms, they drove him out. Harold, having been ſent with a commiſſion from the king to ſuppreſs this revolt, was told by the Northumbrians, "*that they were born and*

V. Pictav. et Orderic. Vit. ſub ann. 1066. Flor. Wigorn. ſub eodem anno.

Malmſb. de geſtis Reg. Angl. l. ii. f. 46. Chron. Sax. ſub ann. 1064.

and bred freemen, and could not endure a tyrannical governor, but had learnt from their anceſtors to ſecure to themſelves either liberty or death." Such a language, by a man of a deſpotic temper, would, certainly, have been deemed an unpardonable aggravation of their offence; but Harold reſpected it, admitted their plea, and even rendered himſelf their advocate with the king, (to whom his entreaties were commands) that they might have for their governor the perſon they deſired, Morcar, the younger brother of Edwin earl of Mercia, whoſe father and grandfather had been dangerous enemies to his father and himſelf: a moſt laudable act, and which ſhews that he was worthy to rule a free kingdom! It may indeed be thought, that policy joined with generoſity and with juſtice, in dictating to him this extraordinary conduct: for, beſides the hearts of the people, he gained by it a connexion with two powerful nobles, who never forgot the obligation, and whoſe warm adherence to him muſt have greatly contributed to raiſe him to the throne. But Toſti could not pardon him for taking this part. Being now deſperate in mind, as in fortune, he ſought any opportunity of ſacrificing his country to his revenge, and, upon Harold's election, exaſperated by envy no leſs than reſentment, offered himſelf and his friends to the duke of Normandy, whom he inſtigated to invade his brother's dominions. He and that prince were related, by having married two ſiſters; and, in the

Ord. Vit. l. iii. ſub ann. 1065, 1066.

preſent circumſtances, it appeared advantageous to William, that Toſti ſhould, in his name, make an attempt upon England, and light up the flame of civil war in that kingdom, with ſuch a force as could be eaſily and ſuddenly raiſed, while he himſelf was preparing a much greater armament, which could not be ready to act till late in the ſummer. Yet no Norman troops were entruſted to the conduct of this lord; but it ſeems that he hired ſome mercenary ſoldiers, and, by ſome means or other (perhaps from his father in law, the earl of Flanders) procured a fleet of ſixty ſhips, with which he ſailed to the iſle of Wight and there raiſed contributions. From thence he made a piratical war along all the coaſt of England, as far as to Sandwich; before Harold's royal navy, which was then fitting out againſt the duke of Normandy, was fully equipt. He had flattered himſelf, or, at leaſt, had promiſed the duke, that many of his friends would riſe to aid him, when he ſhould appear on the coaſt: but not an Engliſhman joined him, except a few common ſailors; and of theſe the greater part were preſſed into his ſervice; ſo that, deſpairing of ſucceſs, and fearing to abide the approach of the king, he was inclined to return to Normandy; but, the wind not permitting it, he ſailed to the Humber, and committed ſome ravages on each ſide of that river, till Edwin and Morcar came againſt him with an army, which forced him to betake himſelf again to his ſhips, and ſeek a refuge

Idem, ibidem. See alſo Gemiticen. l. vii. c. 32.

Flor. Wigorn. ſub ann. 1066. Ord. Vit. ibid. Malmſb. f. 52.

refuge in Scotland. After ſome months he returned, to invade his country once more, not with the duke of Normandy, but with another foreign prince, whom he accidentally met at ſea, as ſome of the contemporary authors relate; or had, by a previous negociation, incited to this enterprize, as others affirm. This was Harold Harfager, king of Norway, who, with three hundred great ſhips, or (according to other accounts) five hundred, and a formidable army of veteran ſoldiers, by which ſome of the Orkney iſlands had lately been ſubdued to his dominion, came, about the middle of September this year, into the mouth of the Humber. It does not appear that he undertook this expedition in concert with the Normans, or with any intentions but to act for himſelf: yet Toſti joined him, without regard to his former engagements, not caring by whom he might obtain the revenge he ſo vehemently deſired.

See Malmſb. de geſt. R. A. l. ii. p. 52. Huntind. et Sax. Chron. ſub ann. 1066. See Ord Vit. et Gemiticen.

Harold did not look for this attack. After the time when his brother was driven out of the Humber, his fleet and army had been conſtantly ſtationed to guard thoſe parts of the iſland that are neareſt to Normandy, from which country alone he had any apprehenſions of a deſcent. The northern coaſts being therefore left open and defenceleſs, the Norwegians advanced, without the leaſt oppoſition, as far as York. When Harold heared of their landing, he inſtantly ordered his navy to ſai

the Humber, and marched himſelf againſt the king of Norway, with the whole army he had raiſed againſt William, judging that there would be more danger in dividing his forces, than in leaving the ſouthern coaſt of England expoſed to the Normans, till he had overcome the invaders who were actually in the iſland. He might the more willingly incline to this conduct, if, as ſome authors affirm, he had received falſe intelligence, to which he gave credit, that the duke of Normandy was diſpoſed to lay aſide his deſign till another year. And the circumſtance of his brother being with the Norwegians might render him more apprehenſive of any delay, and more impatient to drive them out of his kingdom. It would, perhaps, have been more prudent, if he had left his fleet in it's former ſtation. But before he came up, Edwin and Morcar, from a deſire of ſaving York, had ventured to fight them, under the walls of that city, with ſuch an army as they were able to collect by haſty levies, inferior in number to the enemy, and for the moſt part ill armed. Notwithſtanding theſe diſadvantages, the men were ſo brave, that they ſtood their ground for ſome hours; but at laſt they were defeated, with a very great ſlaughter. The Norwegians took York; but did not long enjoy their triumph. This battle was won by them on the eve of St. Matthew, and on the twenty fifth of September Harold attacked them, in a ſtrong poſt they had taken near Stamford bridge. One of their

See Flor. Wigorn. Ingulphum et Dunelm. ſub. ann. 1066. Malmſb. de geſt. R. A. l. ii. f. 52, 53.

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ſoldiers is ſaid to have maintained for ſome time a narrow paſs on the bridge, with a valour equal to that of Horatius Cocles, till he was ſlain by a javelin, thrown at a diſtance, from the hand of one of Harold's domeſtick attendants. But, whatever credit may be due to this ſtory, which many hiſtorians relate, it is certain that the Norwegians ſhewed in this action a fierce and obſtinate valour. Nevertheleſs, in the end, by a great ſuperiority of numbers, the Engliſh prevailed. The king of Norway and Toſti were both killed in the battle, and almoſt their whole army was cut to pieces. Their fleet alſo was deſtroyed, all but twenty ſhips, which Harold permitted to return with Olaus, the ſon of the dead king. V. Ord. Vit. 5co. l. iii. Gemiticen. l. vii. c. 34.

The duke of Normandy, who had been detained, by calms or contrary winds, above a month after his fleet was ready to ſail, did not know what had happened in the northern parts of England. But the wind at laſt turning fair, he ſailed from St. Vallery at the mouth of the Somme, on the eve of St. Michael, in the year one thouſand and ſixty ſix, and landed the next day at Pevenſey in Suſſex, without any reſiſtance. Nothing could have happened more fortunate for him than the unexpected coincidence of the Norwegian war with his enterprize: for, by the diverſion this cauſed, he eſcaped the danger of a ſea fight, in which it is very probable he might have been overcome, and the other great difficulties that he muſt have A. D. 1066. V. Pictaven. geſt. Gul. D. Norm. apud Ducheſne, p. 197, 198, 199.

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encountered, if he had found the army of Harold upon the coaſt of Suſſex, undiminiſhed, and ready to oppoſe his landing.

There is, I believe, no other inſtance in hiſtory, of any kingdom, or commonwealth, having been ever invaded by two ſuch armies, under different princes, not acting in any concert the one with the other, within ſo ſhort a period of time. What the event would have been if the Normans had landed a few days ſooner, it is hard to conjecture. Perhaps they might have agreed to yield to the king of Norway a part of the kingdom, and both theſe valiant nations might, in conſequence of that league, have united their arms againſt Harold: but this monarch having entirely deſtroyed the Norwegians, before the deſcent of the Normans, he was enabled to oppoſe the latter with all the ſtrength of his realm; and the fame of ſo great and glorious a victory was a mighty advantage; as it would naturally encreaſe the confidence his ſubjects had in him, and ſtrike a terror into his enemies. Yet, in the iſſue, it became the cauſe of his ruin. For an ill-timed parſimony, or the fear of offending his people by impoſing upon them any taxes for the exigences of his government, having made him withhold from his ſoldiers, of whom many were mercenaries, all the ſpoils they had taken, their diſcontent on that account ſoon afterwards occaſioned a great deſertion: and no ſmall number had been killed or wounded in the battle. Yet ſuch was his fatal

V. Flor. Wigorn. Chron. Saxon. et Sim. Dunelm. ſub ann. 1066. Malmſb. l. ii. de geſt. R. Anglor. f 53.

fatal preſumption, that he would not wait for the militia of ſeveral counties which was marching to join him, but, having taken a few recruits in paſſing through London, haſtened to fight with the Normans, before half of the forces, which he expected, arrived; as if his buſineſs had been, not to defend, but attack. I can imagine no reaſon, to account for this conduct, but an apprehenſion of giving the duke of Normandy time to intrigue with the Engliſh clergy, who might, by the authority of a papal decree, be ſeduced from his party. But, whether this motive impelled him to act ſo precipitately, or whether victory had ſo elated his mind that his uſual wiſdom forſook him, it is certain, he appeared too raſh and impatient, even to thoſe whom he led againſt the duke. The conduct of that prince was more prudent. Though, at his landing, he found no forces to oppoſe him, he would not advance any further; but employed fifteen days (which was the greateſt part of the time before Harold came up) in raiſing forts at Pevenſey and Haſtings, to cover his ſhips and ſecure a poſſibility of retiring out of England, if he ſhould be defeated. Having thus prepared for the worſt he aſſumed an air of great confidence, ordering ſome ſpies, ſent by Harold, and who were diſcovered in his camp, to be led all over it, and diſmiſſed. From the report of theſe men the king's army underſtood with how ſuperior a force they were going to contend; and he himſelf, in their preſence, inſtead of

V. Pictaven. geſt. Gul. Ducis, p. 199. Orderic. Vit. l. iii. p. 500. Gemiticen. l. vii. c. 31.

V. Malmſb. f. 56. Order. Vital. p. 500.

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endeavouring to depreciate the valour of the Normans, ſpoke of it very highly; which gave occaſion to Gurth, his younger brother, to adviſe him, not to riſk his own perſon againſt ſuch dangerous enemies, but leave them, who had taken no oath to the duke of Normandy, and might juſtly draw their ſwords in the defence of their country, to fight a battle, in which if they ſhould be overcome, the conſequences of the defeat would be leſs fatal, both to him and his people. He received this council, which ſeemed to accuſe him of perjury, with ſcorn and indignation. Nor, indeed, could he, without greatly diſheartening his army, and ſullying all the glory of his paſt life, turn his back, at ſuch a time, on the invaders of his kingdom. As he marched towards Haſtings, he was met by a monk, who came to propoſe to him, on the part of the duke, to determine their cauſe, either by the judgment of Rome, or by duel, in the ſight of both their armies. The anſwer returned by him was, that he was advancing to fight a battle, in which God would judge between him and his adverſary. It is probable that William expected no other; the intent of this meſſage having been only to ſhew, that he did not deſire to make war againſt the Engliſh nation, but purely to decide a perſonal quarrel, which he had with their king. Nevertheleſs he fired ſome villages in the neighbourhood of his camp; which, by irritating Harold, had the

V. Pictav. de geſt. Gul. Ducis p. 200, 201. Malmſb. f. 56.

the effect he propoſed, and helped to puſh on that valiant prince to his fate.

The two armies were now encamped very near to each other, and prepared to fight the next morning, but in a very different manner. The Engliſh paſſed the night in drinking and revelling: the Normans in acts of devotion. At break of day, the duke himſelf heard maſs in publick, and received the communion. While he was arming, it happened, that his breaſt-plate was put on turned upſide down, which ſome about him conſidering as a bad omen, he changed it into a good one, by ſaying with a ſmile, "It ſignified only that the "ſtrength of his dukedom ſhould on that day "be converted into the ſtrength of a king-"dom." He then hung about his neck ſome relicks of ſaints, on which Harold had ſworn to aſſiſt him; and laſtly, he ordered a conſecrated banner, which he had received from the pope, to be carried before his army. Having thus ably made uſe of all the help he could draw from religion or ſuperſtition to encourage his men, he advanced againſt Harold, who had performed all the offices of a ſkilful commander, in the diſpoſition of his forces, and in the choice of his ground. Being greatly inferior in numbers, and not having a cavalry able to engage with that of the Normans, which made five parts in ſix of their army, he took poſt on a hill, and commanding all the horſemen he had to diſmount, formed his whole

V. Pictav. de geſt Gul. Ducis. p. 201, 202, 203, 204. Orderic. Vit. l. iii. p. 500. 501, 502. Malmſb. f. 56. 57.

V. Autores cit. ut ſupra

whole army into one deep phalanx of heavy-armed foot. The royal ſtandard of England was fixed upon the ſpot where Battle Abbey is built; and near to that ſtood the king, with Gurth and Leofrine, his two brothers. Towards the enemy, the deſcent of the ground was ſteep: but the top was level, and wide enough to contain all his men in the cloſe and compact order, into which he put them, with their ſhields ſo joined together, as not to leave any interval, nor opening, between them. Behind the phalanx were woods, through which they had marched to that poſt, and which defended their rear, extending themſelves likewiſe ſo far upon the ſides of the hill, as to prevent their being flankt. They were all armed with Daniſh battle axes, and had alſo javelins or darts: but they did not make uſe, in this fight, either of long or croſs bows, both which weapons were employed, with great ſkill, by the Normans. The duke of Normandy began the attack by his archers, ſuſtained by heavy-armed foot: but a ſhower of darts falling on them, and great ſtones, which the Engliſh had prepared for that purpoſe, being thrown down on their heads from high ſcaffolds of wood, as they aſcended the hill, William ſaw it was neceſſary to bring up his cavalry, in which his principal ſtrength conſiſted. Advancing therefore with theſe, divided into five bodies, he placed the infantry in his wings, and gained the brow of the hill, where the Engliſh phalanx was ſtationed. Both armies

now

now fought hand to hand; the Normans and French with their ſwords, the Engliſh with their axes. After a long and ſharp conflict, the Bretons and all the other auxiliary forces, both horſe and foot, that were poſted in the left wing of the enemy, fled. At the ſame inſtant, a rumour being ſpread through the line, that William was ſlain, the whole army of that prince fell into diſorder: but, as ſoon as he underſtood from what cauſe it proceeded, he took off his helmet, and riding among them bare-headed, by his preſence and words diſpelled their fear. When they had recovered their ranks, he commanded them to ſurround ſome thouſands of the Engliſh, whom the flight of his left wing, and the confuſion they had ſeen in his whole line of battle, had tempted out to ſome diſtance from the body of their phalanx. Theſe were all cut in pieces; and the duke, having rallied his auxiliary forces, led them back to aſſault the main body of the enemy, which remained on the hill, diſpoſing his cavalry and heavy-armed foot as before, but commanding his archers, who were placed behind his wings, to ſhoot their arrows very high up into the air, that they might fall perpendicular upon the heads of the Engliſh. As the files of theſe were ſo deep, and preſt together ſo cloſely, this annoyed them very much; and the Norman horſe, preſſing forwards, aſſaulted their front with great fury: yet ſuch was the impenetrable firmneſs of the order in which they were drawn up,

up, that all attempts to break them failed, till the duke, who obſerved the diſcouragement of his troops, had recourſe to a ſtratagem, which what had happened before might naturally ſuggeſt. He inſtructed his men to feign a flight, and many of the Engliſh, believing it real, purſued them again to the plain; where they turned on a ſudden, and, ſurrounding theſe diſordered bands with their cavalry, killed them all to a man. We are told by an author, who was in the camp of the Normans, that the ſame artifice was repeated by the duke once more, and with equal ſucceſs. If this be not a miſtake, we muſt conclude from it, that Harold was very incautious, to be drawn into the ſame ſnare a ſecond time, or rather a third, (for though the firſt flight of the enemy was not a feigned one, yet the purſuit had been equally fatal to the Engliſh); or, if the fault was not in him, but aroſe from an eagerneſs which he could not reſtrain, it proves that his diſcipline was much inferior to that of the duke. His remaining himſelf, the whole time, upon the ſummit of the hill, together with his two brothers, makes it moſt probable, that he was aware of the danger, and would have prevented his ſoldiers from being deceived by this feint, if it had been in his power. The loſs he ſuſtained by it was grievous. His forces, which the enemy had much outnumbered before, were now extremely diminiſhed; yet the remainder of them kept their ranks unbroken, animated by the preſence and example

Gul. Pictav. p. 202. See alſo Ord. Vit. p. 501.

ample of their king, who fought on foot the whole day, and ſlew many of the Normans with his own hand. Nor did the duke of Normandy expoſe himſelf leſs to all danger, but had three horſes killed under him, in the courſe of the action. His ſoldiers, incited by the courage of their leader, fatigued the Engliſh with frequent, pertinacious attacks, and galled them with continual ſhowers of arrows; all which they ſuſtained with an invincible patience, fixed immovably to the ſpot whereon they were poſted. Nor yet could the duke, with all the efforts he cauſed his troops to make, diſſolve their phalanx; ſo that the victory remained undecided from nine in the morning even till the cloſe of the day, when Harold was killed by the random flight of an arrow, which, not being ſhot, like the reſt, up into the air, but in a lower and more oblique direction, pierced the ball of his eye, and penetrated from thence into his brain. The hearts of the Engliſh now ſunk: they began immediately to give way in ſeveral places: the Norman cavalry, ruſhing in through the breaches of the phalanx, made a great ſlaughter of thoſe who ſtood within it: the brothers of Harold both fell: the royal ſtandard was taken. After theſe loſſes, the whole army, entirely routed and diſſipated, fled into the woods that lay behind them: the Normans purſued them; but not even in their flight did they loſe all their courage: for, having got into a valley, which was full of

deep ditches, they bravely made a new ſtand. There had been formerly, in that place, a camp, well known to them, but not to the enemy: and the entrenchments being covered with ſhrubs and buſhes, many of the Norman horſe, preſſing onwards, in the ardour of purſuit, fell headlong into them, while many others were killed by the hands of the Engliſh. If we may believe a contemporary writer, who heard it from ſome who were preſent, they loſt in this valley near fifteen thouſand men: but it is more probable that this number included the loſs they had ſuſtained in the battle. Some Norman barons of great note were ſlain in this action; and the earl of Boulogne was dangerouſly wounded by a blow with a ſtone, while he was earneſtly entreating the duke to retire, and not hazard his perſon againſt deſperate men, whom the nature of the place ſo much aſſiſted: but that intrepid prince, neither regarding the counſel, nor the alarming example of the perſon who gave it, continued the combat, till he had driven them out of this ſtrong ground, and completed his victory.

V. Ord. Vit. p. 501, 502.

Thus ended the memorable battle of Haſtings, in which the Engliſh, though defeated, ſhewed at leaſt as much valour, as thoſe by whom they were vanquiſhed, but leſs expertneſs in the diſcipline and art of war. Yet their worſt defect ſeems to have been the want of a cavalry equal to that of the Normans. It was their great inferiority in this reſpect which made

made their purſuit of a flying enemy fatal to themſelves. Nevertheleſs, neither the loſs they had ſuffered in this action, nor even the death of their king, would have finiſhed the war, if they could have agreed under whoſe ſtandard they ſhould endeavour to maintain it: for we are aſſured, by a contemporary writer, that they had a fleet of ſeven hundred ſhips of war, actually cruizing along the coaſt between Pevenſey and Haſtings, and maſters of the ſea, while the navy of the duke was ſhut up in thoſe harbours. It was therefore very difficult for that prince to receive any reinforcements or ſupplies; and his victory itſelf had conſiderably diminiſhed his army. How many of his navy were ſhips of war we are not well informed, but, from the care he took to defend it by fortifications, one may reaſonably preſume that the ſtrength of it, at leaſt at this time, when he could not ſpare any number of his land-forces to man it, was not ſufficient to contend with that of the Engliſh. Winter was approaching; the Normans had no magazines; and conſequently, had the war been protracted till that ſeaſon, the means of procuring ſubſiſtence for themſelves and their horſes, in an enemy's country, could not eaſily have been found. As the greater part of Harold's army had been compoſed of ſtipendiary and mercenary ſoldiers, the main ſtrength of the nation, the provincial militia, was ſtill almoſt entire. But, to uſe that ſtrength with effect, another leader was wanting, and one able to revive the

V. Pictaven. geſt. Gul. Ducis, apud Ducheſne, p. 201. ſect. 2.

V. Malmſb. de geſt. Reg. Angl. l. iii. f. 53.

ſpirits of the people. This might poſſibly have been done either by Edwin, or by Morcar. Thoſe earls had not accompanied Harold to Haſtings, having been left, by his orders, to bring to London the booty taken from the Norwegians. As ſoon as they heard of his death they aſpired to the crown: but finding the nobility more inclined to elect Edgar Atheling, they were ſo diſguſted, that they preſently afterwards withdrew from London, and went into Northumberland; propoſing to act, in that country, as future events ſhould direct them. Indeed it is ſtrange, that in ſuch an emergency, one of theſe two potent noblemen ſhould not have been choſen to ſupply the loſs of Harold, rather than Edgar Atheling: every reaſon, which before had determined the nation to deny the crown to the latter, urging them now, ſtill more forcibly, to give it to one of years and abilities equal to the weight of it, and who had courage to defend it in the moſt perilous circumſtances. But neither of the brothers, nor any other of the Engliſh nobility, was ſo ſuperior to the reſt in the luſtre of his family, in the ſtrength of his alliances, or in the fame of his exploits, as Harold had been: and therefore the pride and emulation of others would not yield to the exaltation of any one of the greateſt above his peers. This produced a diſpoſition in favor of Edgar, who alone had any claim of hereditary right. And they could hardly have taken a better part, if at the ſame time, they had appointed a proper

V. Malmſb. de Wil. I. l. iii. f. 57 & 59.

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guardian, or *protector*, to aſſiſt him in the government during his nonage: for, in order to reſiſt ſuch an enemy, as then was triumphant in the midſt of their country, a delegation at leaſt of the royal authority to ſome perſon more mature in age and capacity was undoubtedly neceſſary: but it does not appear that this expedient, to which they had not been accuſtomed, was ever propoſed. Moſt of the biſhops now began to avow an inclination to receive the duke of Normandy, whoſe pretenſions had been graced with the approbation of the pope; and the temporal lords, being diſabled, by this unhappy diſſenſion, from ſupporting the choice which they had haſtily made, were doubtful and fluctuating in all their meaſures. Little time to deliberate was allowed them by the duke. Very ſoon after his victory over Harold, he beſieged Dover caſtle, in order to facilitate a communication with France and Flanders, as well as to provide againſt any change of fortune, by leaving behind him no fortreſs which could obſtruct his retreat. The place was crowded with ſoldiers; but ſuch conſternation had ſeized them, that they ſurrendered it to him without reſiſtance; and, when he had taken it, he added to it's fortifications, ſuch works, as he thought wanting. This detained him eight days, during which a dyſentery, produced by an intemperate uſe of the meat and water there, deſtroyed many of his ſoldiers, and a greater number was left ſick at his departure from

V. Malmſb. l. iii. f. 57.

V. Pictaven. geſt. Gul. G. Norm. p. 204, 205. Order. Vital. ſub ann. 1066.

thence, which he would not delay any longer, as he well knew the neceſſity of following cloſely the blow he had given, and attacking the capital before it had leiſure to recover from it's terror. Not far from Dover he was met by the principal inhabitants of the county of Kent, who ſwore fealty to him and gave him hoſtages. No obſtacle therefore remaining, he purſued his march towards London, with the greateſt expedition; but was ſeized on his way with a violent fit of ſickneſs. His friends were much alarmed: yet fearing that his army might be ill ſupplied with proviſions in the place where he ſickened, and that any ſtop at this time would greatly hurt his affairs, infirm as he was he went on, till he came within a little diſtance from London. A vaſt number of ſoldiers had repaired to that city, after the battle of Haſtings, from all parts of England, who, together with the citizens and the nobility aſſembled there, might have long defended it, and have given time to the reſt of their countrymen to arm and recover their ſpirits: but ſuch was the impreſſion which the death of their king, and the diſcomfiture of his army, had made on their minds, that a very numerous body of them, which had ſallied out from the ſuburbs, to attack an advanced party of five hundred Norman horſe, was repulſed with great loſs; and all the buildings on that ſide of the river were burnt. After this action, the duke, finding no enemy to oppoſe him, proceeded along the ſouthern banks of the

V. Pictaven. geſt. G. D. et ſupra.

the Thames as high as to Wallingford, and paſſing over it there turned eaſtwards, with an intention to march through Middleſex, and aſſault London on that ſide, which was not ſecured by the river. Stigand archbiſhop of Canterbury, being averſe to the Normans, and excommunicated by the pope, had concurred with the nobility in their deſire of placing Edgar Atheling on the throne, againſt the will of his brethren: but ſeeing no longer any hope of ſupporting that election, he went and renounced it, by ſubmitting himſelf to William; which example was ſoon followed by all the temporal lords aſſociated with him: and when the duke came in ſight of London, the chief inhabitants of that city ſurrendered it to him, and gave him the hoſtages he required to ſecure their fidelity. Laſtly, Edgar himſelf, finding in his mind no reſſources againſt the ill ſtate of his fortune, delivered up to William his perſon and kingdom. Thus ended the government of the Saxons in England, two hundred and thirty ſeven years after the uniting of the heptarchy, and ſix hundred and ſeventeen after the landing of Hengiſt and Horſa, their firſt leaders or princes.

V. Ord. Vital. l. iii. p. 503. ſub ann. 1066.

William received Edgar Atheling with the faireſt appearances of regard and affection; and ſo far was he from grounding his own title to the crown upon a ſuppoſed *right of conqueſt*, that he uſed his utmoſt endeavours to eſtabliſh the notion of his being *heir to King Edward*,

from the appointment of that monarch. The Engliſh nobles and prelates who had reconciled themſelves to him, and the chief citizens of London, adopting this notion, entreated him to be crowned without delay; which, at firſt, he ſeemed to decline, objecting, that peace was not yet ſettled, and declaring, *that he deſired the tranquility of the kingdom more than the crown:* words very different from the language of a *conqueror*, and proper to allay the fears of thoſe, who dreaded the violence of a military government. But conſidering afterwards, that, in conſequence of his being crowned king, all perſons would be more afraid of rebelling againſt him, and more eaſily cruſhed, if they did, he yielded to the importunities of the Engliſh and Normans, and was crowned in Weſtminſter-abbey on Chriſtmas-day of the year one thouſand and ſixty-ſix, not without the appearance and form of an election, or free acknowledgement of his claim: for the archbiſhop of York and the biſhop of Coutance, who officiated in the ceremony, ſeparately demanded of the nobility, prelates, and people of both nations, who were preſent and aſſiſting, *whether they conſented that he ſhould reign over them?* and, with joyful acclamations, they anſwered, that *they did.* Before he aſcended the throne, he made a compact with his new ſubjects, by his coronation oath, the ſame with that of the Saxon kings. Nor did he immediately violate this ſolemn engagement: but diſpenſed to all impartial juſtice, and even conferred

Vid. Pictav. geſt. Gul. Ducis, p. 205.

A. D. 1066.

Vid. Pictav. geſt. Gul. Ducis, p. 205, 206. Orderic. Vit. l. iii. p. 503.

V. Pictav. et Orderic. Vit. ſub ann. 1067. Libr. Elienſ. Bibl. Cotton. Claudius, 2, 3. Flor. Wigorn. p. 635.

ferred great favors on the Engliſh, till ſome, who had not yet ſubmitted to his government, particularly Edwin and Morcar, whoſe power he feared the moſt, voluntarily came in and paid him obedience. He alſo encouraged intermarriages between the Normans and Engliſh; and ſeemed to wiſh to make them one people. So that, although he had really no right to the crown when firſt he claimed it, he may be ſaid to have acquired one, after the death of Harold, from the conſent of the nation, given chearfully, and with marks of mutual kindneſs and affection between him and his ſubjects. Indeed he ſoon afterwards confiſcated the eſtates of all the Engliſh who had fought againſt him at Haſtings, and gave them to the Normans or other foreigners in his ſervice; an act of injuſtice, but coloured with the ſpecious pretence of a legal proceeding; Harold's election being called *uſurpation*, and his adherents accounted *rebels* to William *their ſovereign:* which opinion, however groundleſs, was then wiſely taken up and admitted by the nation, that England might appear to be governed by this prince under the fair and peaceful title of a lawful ſucceſſion, and not under one ſo deſtructive to all liberty as that of *conqueſt*. Nor were the forfeitures due to him for this ſuppoſed treaſon, or any other penalties incurred by the guilt of it in the ſenſe of the law, extended any further, at the beginning of his reign, than to thoſe who had actually oppoſed him in arms. This was all the indulgence

Pictaven. p. 208.

gence he could ſhew to the Engliſh, without paſſing a general act of grace and oblivion; from which he was hindered by the promiſe he had made to all the chiefs of his army, that he would, if victorious, reward their ſervices in this war, with lands and honors in England. Theſe confiſcations enabled him to perform that promiſe in part; but many more were ſtill wanting to ſatisfy the demands of ſuch a number of foreigners, as, not being willing to rely upon the Engliſh, he thought it neceſſary to retain in the kingdom, for the ſupport of his power. That want was ſupplied by ſeveral inſurrections and conſpiracies againſt his government, to which the nobility of England were afterwards driven by the iniquity of his miniſters, whoſe guilt he took on himſelf by paying no regard to the juſt complaints of his ſubjects.

See Hen. of Huntingdon in fine Gul. I. Orderic. Vit. l. iv. ſub ann. 1067. et l. vii. p. 659.

The ſpirit of the Engliſh was yet unconquered. Though they had ſubmitted to the government of a foreigner, they would not endure the yoke of a tyrant. But their attempts to recover their liberty were tumultuary, and void of counſel or union, ill concerted, ill timed, and weakly managed. The king, on the contrary, was vigilant, prudent, well ſerved by his officers, yet continually attending to his buſineſs himſelf, indefatigable in labour, ſerene in danger, and as formidable by his policy as by his arms. There is no method to render a tyranny ſecure and ſtrong which he did not put in practice, eſtabliſhing garriſons of

V. Ord. Vit. ſub ann. 1067, 1068, 1069.

of foreign troops in all parts of the country, bridling the towns with forts and caſtles, gaining to his ſide the braveſt of his enemies by pardons and favors, if they would ſubmit to his deſpotiſm; and deſtroying the reſt, without mercy; ſometimes employing the moſt generous clemency, ſometimes the moſt terrible and barbarous cruelty, as he thought they would beſt conduce to ſerve his ends.

In the ſecond year of this reign Edgar Atheling was perſuaded to fly into Scotland, where he was received with cordial friendſhip by Malcolm Canmore, who ſoon afterwards married the lady Margaret, his ſiſter, and, in concert with the Engliſh, endeavoured to place him on the throne of his anceſtors. He was alſo aided by troops, which his party obtained for him from Sueno the Second, king of Denmark. But this confederacy ſerved only to increaſe the calamities of the miſerable Engliſh, who exaſperated a tyranny they could not ſubdue: all their efforts were baffled; and Malcolm, being afraid that he might loſe his own kingdom, was forced to ſue for a peace and do homage to William. Edgar, who was of a temper which felt more uneaſineſs in contending with adverſity than ſubmitting to a meanneſs, entered again into a treaty with that monarch, or (as ſome authors ſay) yielded himſelf up without conditions: but it is more probable that he had at leaſt an aſſurance of a pardon. William received him with kindneſs, thinking him rather an object of pity and contempt,

See Malmſb. l. iii. de W. I. f. 58. Florent. Wigorn. ſub ann. 1068 et 1073, S. Dunelm. ſub ann. 1070 et 1073.

V. Ord. Vit. l. iv. ſub ann. 1068 et 1070.

tempt, than of vengeance or fear. But he did not act in the ſame manner with Edwin and Morcar. To the former of theſe earls he had promiſed to give one of his daughters in marriage, when firſt the two brothers capitulated with him. Yet though, by performing that promiſe, he would have endeared himſelf greatly to the Engliſh, and promoted an union between them and the Normans, which ought to have been the principal object of his policy, he broke his word. Provoked at this, and at the wrongs and complaints of their countrymen, they made ſome motions towards a revolt, in the year one thouſand and ſixty eight: but they acted too haſtily: for the foreign ſuccours, they expected, not being ready to join them, and William advancing upon them, they laid down their arms; in conſequence of which he was ſeemingly reconciled to them, and they were continued in their earldoms. He knew better when to pardon than they did when to rebel. The next year there was a great inſurrection of the Engliſh ſtrengthened by the aſſiſtance of Scotland and Denmark. Gratitude to the king for his late clemency to them prevented Edwin and Morcar from taking any part in this revolt; which if they had done, it might have turned the ſcale againſt him. Such a conduct, they flattered themſelves, would gain his affection: but it is hard to remove the jealouſy of a tyrant; and they who are the objects of it can never be ſafe, unleſs by dethroning him, or leaving his kingdom.

dom. Morcar, finding himſelf ſuſpected, and fearing impriſonment, retired for ſafety to the iſle of Ely, which the king having beſieged, he ſurrendered himſelf to him, upon aſſurances of good treatment from ſome who were commiſſioned to negotiate with him: but in breach of that promiſe he was thrown into priſon. His brother Edwin, having in vain implored the aid of the Welſh and the Scotch, as well as of the now-diſpirited Engliſh, and no longer hoping to continue with ſafety in England, endeavoured to eſcape into Scotland, but was killed in his flight by the perfidious hands of three of his moſt intimate and truſted friends. His character was ſo amiable, that the Normans themſelves bewailed his death; and when the traitors who murdered him, expecting a great reward, brought his head to the king, he wept, as Cæſar did over Pompey's, and inſtantly baniſhed them from his realm. Morcar remained in ſtrict cuſtody, till a death-bed repentance, taking off the gloſs which policy had thrown upon injuſtice and perfidy, induced the king to ſet him free. But as ſoon as that monarch was dead, and William Rufus returned to England, the latter thought it expedient to deprive him again of his liberty, for fear the Engliſh ſhould incline to make him their ſovereign; and it does not appear that he was ever releaſed from that confinement.

The Engliſhman, whom William the Firſt moſt confided in and favoured, was Waltheoff, eldeſt

eldeſt ſon to Siward earl of Northumberland, famous for his victory over the tyrant of Scotland, Macbeth. This nobleman had performed ſuch extraordinary actions of valour, in defending the caſtle of York beſieged by the Normans, that the king's anger againſt the rebel was changed into eſteem and affection for the ſoldier; inſomuch that, being deſirous to attach him to his ſervice, he not only pardoned him, but gave him in marriage the lady Judith, his niece, and with her the two earldoms of Huntingdon and Northampton, beſides that of Northumberland, which his father had enjoyed. Yet after having received all theſe favors, the higheſt that a prince could confer on a ſubject, he was involved in a conſpiracy with Radulph de Guader, earl of Norfolk and Suffolk, and Roger earl of Hereford, who, upon ſome diſcontent againſt the king, of which we have not a clear account, plotted together to dethrone him, in the ninth year of his reign, while he was detained out of England by his foreign affairs. According to moſt of our hiſtorians, Waltheoff was drawn in, to conſent to this rebellion, when he was heated with wine, in the riot of a feaſt, which the earl of Hereford made on the marriage of his ſiſter with Radulph de Guader. But they would hardly have ventured to open themſelves, with ſo unguarded a freedom, to one whom the ſtrongeſt obligations of alliance and gratitude bound ſo faſt to the king, if they had not before been well aſſured of his diſpoſition

Malmſb. de W. I. l. iii. f. 58, 59.

See Flor. Wigorn. S. Dunelm. et Hoveden. ſub ann. 1074, 1075. et Malmſb. ut ſupra.

ſition to join them: which makes me believe what is affirmed by Henry of Huntingdon, that the counſels of Waltheoff induced the earl of Norfolk to this raſh undertaking. From what motives he gave thoſe counſels it is hard to conceive; unleſs a paſſionate deſire of freeing his country from the tyranny it groaned under overcame in him the ſenſe of all other duties, how ſacred ſoever, and even all reſtraints of prudence. But that heroic enthuſiaſm, if he was poſſeſſed with it, loſt its power over his mind before the conſpiracy was ripe for execution. Whether he feared that ſome of the company, in whoſe preſence it had been too indiſcreetly divulged, ſhould betray it to William, or whether he was really ſtruck with remorſe, he went and diſcovered it to Lanfranc archbiſhop of Canterbury, who exhorted him to go immediately to the king and impeach the conſpirators. He did ſo, but concealed from him his own conſent to the treaſon. In the mean while, his confederates, finding themſelves detected, took up arms in their counties: but this haſty riſing was ſubdued, without any difficulty, by the king's miniſters, in his abſence. When that prince returned into England, he received information of the ſhare that Earl Waltheoff had in the conſpiracy, whereupon he ordered him to be arreſted. Radulph de Guader had eſcaped by flying out of the kingdom: but the earl of Hereford was condemned to perpetual impriſonment; the memory of his father, William's

See H. Huntingd. l. vii. f. 211. Wil. Reg. ann. 9.

Vid. Authores citatos ut ſupra, et Chron. Sax. ſub ann. 1075. Ord. Vit. l. iv. ſub ann. 1073.

liam's favorite ſervant, ſaving him from a worſe puniſhment, which the other conſpirators ſuffered by ſentence of law. The king ſeemed diſpoſed even to grant him his liberty after a ſhort confinement, and, as a mark of his kindneſs, ſent him a rich preſent of garments from his own wardrobe: but he threw them into the fire: upon which the angry monarch ſwore that he would never releaſe him, and kept his oath. Waltheoff was beheaded, notwithſtanding the merit of the diſcovery he had made. Some authors tell us, that his wife, being grown weary of him, was the cauſe of his death, by giving an evidence to her uncle which aggravated his fault. The treaſon he had committed was alledged as an argument for excluding all his countrymen from any offices of power or truſt: though the earl of Hereford's perfidy would have been as good a reaſon for excluding all Normans. Earl Coxo, an Engliſhman, had been ſo faithful to William, that he was murdered by the hands of ſome of his own vaſſals, becauſe he would not join with them in taking up arms againſt the government; and in the third year of that king, when the ſons of Harold, with forces from Denmark and Ireland, had landed in England, they were vigorouſly oppoſed by an army of Engliſh, under the conduct of Ednoth, who had been maſter of the horſe to their father, and who loſt his life in the action. William was alſo ſerved very faithfully by that people, in ſome foreign wars, which I ſhall

V. Malmſb. ut ſupra.

Idem, l. iii. de W. I. f. 58, 59.

ſay

ſay more of hereafter. It muſt however be confeſſed, that Waltheoff's ingratitude might naturally ſuggeſt to that prince more caution and diffidence, with reſpect to their nobility; though it cannot juſtify his withdrawing from them all favor and truſt in the government of their country.

Euſtace earl of Boulogne, who had fought under his orders at the battle of Haſtings, quarrelled with him ſoon afterwards, and attempted to ſurprize Dover caſtle, in concert with the Engliſh of the county of Kent, who, having been the firſt to ſubmit to his government, were alſo the firſt to reſiſt his tyranny. But the enterprize failed, and he was eaſily reconciled to the earl of Boulogne, whoſe enmity might have proved troubleſome, and dangerous to him, had it continued: that town being very commodiouſly ſituated to aſſiſt inſurrections in Kent and other counties adjacent to London, while his arms were employed, as they often were, in the north. And if, by the encouragement of ſuch a foreign aid, the capital had revolted, he would have found it difficult to prevent a general defection of the whole nation. Senſible of this he governed that city with a gentle hand, endeavoured to gain the affections of the citizens, and granted a charter, confirming to them the benefit of their ancient immunities, cuſtoms, and laws, with a promiſe of his royal protection; which had ſo good an effect, that they

Ord. Vit. l. iv. ſub ann. 1067.

never would engage in any rebellion or treaſon againſt him, but by their fidelity contributed greatly to the maintenance of his government.

The enemy of whoſe power he ſeemed to be moſt afraid, and who indeed, if he had executed the ſchemes he had formed, might have ſhaken his throne, was Canute the Fourth, king of Denmark. This prince, having ſucceeded to Harold his brother in the year one thouſand and eighty, and being of a warm and enterprizing ſpirit, reſolved to attempt the recovery of the kingdom of England, which he claimed by right of inheritance from Canute the Great. During the whole reign of Edward the Confeſſor, Denmark had been ſo agitated with inteſtine diſſenſions, that its ſovereigns had no leiſure to think of this iſland. It has been mentioned before, that, upon the firſt alarm of the Norman invaſion, Sueno the Second aſſiſted Harold with a body of troops; which ſhews that he had then no deſign of purſuing the claim of his predeceſſors; and though, when the Engliſh took up arms againſt William, he ſent a great force to join the malecontents, it does not appear that he had any other purpoſe, than to revenge the death of Harold, his relation and friend; for all his confederates, both Engliſh and Scotch, unanimouſly intended to ſet the crown of England on the head of Edgar Atheling; but, whatever his view might be, he was very ill ſerved by the generals he employed

See Malmſb. de W. I. l. iii. f. 59, 60. See alſo Pontan. Hiſt. Dan.

ed in this expedition, and alſo in another, poſterior to this; both enterprizes being defeated, not by the ſteel, but the gold of William, who corrupted the leaders. Canute, the ſon of Sueno, had ſerved therein as a volunteer, though he was then too young for the chief command. As he knew that the Engliſh were exceeding diſcontented, and could no longer retain their attachment to Edgar Atheling, who had ſo meanly given up his pretenſions, he flattered himſelf, and perhaps was aſſured by a ſecret intelligence with many among them, that they would ſubmit to his government, if, being now king of Denmark, he would aſſiſt them to ſhake off the tyranny of the Normans. He was alſo ſtimulated to this attempt by Robert earl of Flanders, ſurnamed Le Friſon, whoſe daughter he had married, and who, though brother in law to William, deſired his deſtruction. The cauſe of ſo bitter enmity between them was this. Robert was the ſecond ſon of Baldwin the Fifth, and during his father's life had acquired the government of the earldom of Frieſland, which then comprehended the provinces of Holland and Zealand, by marrying the widow of the laſt earl: but the elder ſon, who had ſucceeded to Baldwin in Flanders, and was the ſixth earl of that name, made war upon Robert, either out of ambition to annex thoſe contiguous dominions to his own, or inſtigated by a perſonal rancour againſt him: in which unnatural quarrel being defeated and ſlain, he

See Lambert, Schefnab. de Rebus Germanic. Malmſb. l. iii. f. 59.

left two minor ſons, whom he had by his will recommended to the care of Philip, king of France, his couſin german, and of William Fitz-oſborn, earl of Hereford. This nobleman was of a family allied to the dukes of Normandy, and of a ſpirit as courageous as that of his maſter, having been the firſt of his counſellors who adviſed him to purſue his claim upon England, and the man to whoſe aſſiſtance he was chiefly obliged for his ſucceſs in that attempt. Theſe ſervices were rewarded with the earldom of Hereford, the iſle of Wight, and the firſt place in the adminiſtration of England and Normandy: but he now entertained ſtill higher views of ambition, propoſing to marry the widow of Baldwin the Sixth, who was, in her own right, counteſs of Hainault. Fired with that hope he moſt willingly undertook the defence of her ſon, the young earl of Flanders, againſt his uncle, who, being aſſiſted by a league with the emperor, and by a conſiderable faction of the Flemings themſelves, had invaded that earldom. But expoſing himſelf too incautiouſly he fell into an ambuſh, and, after having fought very bravely, was killed in the action, together with the prince he came to aid. His death was a moſt ſenſible grief to his maſter, who loved him from the ſympathy that there was in their minds, being too great himſelf to take umbrage at the greatneſs of a ſervant, in whom he had always found gratitude, fidelity and obedience: but the Engliſh were glad; for of them

Malmſb. de W. I. l. iii. f. 59.
Flor. Wigorn. ſub ann. 1071.
Orderic. Vit. l. iv. p. 526.

them he had been a very cruel oppreſſor, acting in his office of Juſticiary of England, eſpecially when the king was out of the realm, more like a general giving laws to the conquered, than a chief magiſtrate adminiſtring juſtice to his fellow ſubjects. They now had the conſolation to ſee this great inſtrument of tyrannical power cut off at once in all the pride of his fortune; which ſoothed their reſentments, and looked as if divine vengeance had done them that juſtice they could not obtain for themſelves. The king of France, who had concurred with the deſires of the counteſs of Hainault in calling Fitz-oſborn to aſſiſt the earl of Flanders, his ward, upon their being thus ſlain together, was perſuaded by Robert, an artful man, to marry his daughter in law Bertha, and confirm him in the poſſeſſion of the earldom of Flanders. The counteſs, who ſaw her ſurviving ſon made a ſacrifice to this agreement, implored the protection of William; whoſe magnanimity, which in this inſtance he ſeems to have chiefly conſulted, prevailed with him to eſpouſe the cauſe of his nephew. Robert, out of revenge, and to ſecure himſelf thoroughly againſt that king, inſtigated his ſon in law, Canute, to attack him in England, offering to ſupport the attempt with the whole ſtrength of his powerful earldoms. Nothing could be more agreeable to Canute's ambition than ſuch a propoſal. Meaſures being accordingly concerted between them, the Daniſh monarch provided a fleet of above a

Ord. Vit. l. iv. p. 507, 508, 536.

Huntingd. in fine Gul. I.

A. D. 1035.

Malmſb. de W. I. l. iii. f. 60.

thouſand ſhips, to which his confederate was able to join ſix hundred more. It does not appear what number of troops they intended to embark, nor how many of their veſſels were ſhips of war: but William was ſo alarmed at their enterprize, that, in addition to the military force of his kingdom, he hired foreign mercenaries from all parts of Europe, as far even as Spain, and brought a vaſt army of them over into England, to defend him againſt this formidable, intended invaſion. He had indeed ſufficient reaſon to expect the revolt of many of his ſubjects, eſpecially thoſe of Daniſh race; nor could he be certain that they would not be aſſiſted by the Welſh and the Scotch. But he was delivered from the danger he ſo much apprehended, by civil diſturbances ariſing in Denmark, which in the following year, one thouſand and eighty ſix, occaſioned the murder of Canute, who fell a victim to the deſire he had ſhewn, with more zeal than diſcretion, of forcing his people to the payment of tythes, and was on that account reputed a martyr, ſuppoſed to work miracles, and canonized by Rome. William of Malmſbury ſays, that he had impoſed heavy fines on ſome of his nobles, becauſe he ſuſpected their wives of having by witchcraft raiſed contrary winds and ſtorms, to prevent his fleet from ſailing to England, and had ſent his brother Olaus a priſoner to Flanders on the ſame charge. The ſuperſtition of the country and the character of the man render this very credible: and the inſcription found

Ingulph. p. 79.

See Elnoth. de Vita Canut.

A. D. 1086. Torfæum Crantſium. Pontanum. Hiſt. Dan.

See Malmſb. l. iii. de geſt. R. A. f. 60.

found on his tomb at Odenſee, in the year fifteen hundred and eighty two, aſcribes his murder to *his zeal for the Chriſtian religion and love of juſtice*; by which, undoubtedly, his diſpute with his ſubjects upon the buſineſs of tythes, and vehement purſuit of that point againſt their oppoſition, muſt be underſtood to be meant; with, perhaps, ſome alluſion alſo to theſe proſecutions.

Among the many grievances complained of in the reign of William the Firſt, none gave more uneaſineſs than the inhuman ſeverity of his foreſt laws. It was ſome excuſe for other hard and unpopular acts, that they appeared to be neceſſary for the ſupport of his government, or had at leaſt a political expediency in them; but by this he diſguſted the Engliſh and even the Norman gentry, beſides oppreſſing the people, and impoveriſhing the country, without any benefit to himſelf. He ought to have known that men are often more irritated by an ungracious reſtraint on their pleaſures, eſpecially thoſe which cuſtom has rendered almoſt neceſſary to them, than by greater oppreſſions in more weighty matters; and that the moſt politick princes have been particularly deſirous of employing their people in ſports and amuſements, with a view to take off their thoughts from prying too cloſely into the government, or gloomily brooding over their own diſcontents. This was a caution very proper in his ſituation, and his having paid no regard to it ſeems to have been a con-

ſiderable error in judgment: or rather it is a proof that his paſſion for hunting, which was his favorite pleaſure, over-powered his reaſon. Nor was he ſatisfied with having thus confined to himſelf the vaſt tracts of foreſt that he found in this kingdom; but to make a new one in Hampſhire, laid waſte a country of above thirty miles in extent, drove out all the inhabitants, and deſtroyed all their dwellings, not ſparing even the churches, as much as he affected a reſpect for religion: one of the moſt horrible acts of wanton cruelty recorded in hiſtory, if it was done for his pleaſure only; and there is no warrant in any ancient author for the conjecture of ſome modern writers, that he did it to facilitate the landing of forces which he might have occaſion to bring over from Normandy, by thus diſabling the Engliſh from collecting together or maintaining any on that coaſt. But even admitting this to have been his motive, and not (as I rather believe) that the new foreſt lay convenient for his palace at Wincheſter, it was the policy of a barbarous tyrant, not of a wiſe or good king. Great part of Yorkſhire, and all the counties belonging to England, north of the Humber, he alſo laid waſte; that the Danes or the Scotch invading thoſe parts of his kingdom might find no ſubſiſtence; and to puniſh the people for their diſaffection to his government, without regarding what numbers of innocent perſons would be involved with the offenders in that deſtruction. We are told, even by

See Malmſb. I. iii. f. 62. Flor. Wigorn. ſub ann. 1100.

See Polydore Vergil, and Selden.

one

one of the Norman hiſtorians, who ſpeaks of it with horror, that above a hundred thouſand men, women, and children, periſhed by famine in theſe ruined counties. The deſolation was ſuch, that for above ſixty miles, where, before, there had been many large and flouriſhing towns, beſides a great number of villages and fine country ſeats, not a ſingle hamlet was to be ſeen! the whole land was uncultivated, and remained in that ſtate even till the reign of king Henry the Second! ſo that Attila himſelf did not more juſtly deſerve to be named *the Scourge of God* than this mercileſs Norman. Indeed neither that Hun, nor any other deſtroyer of nations, ever made worſe devaſtations in an enemy's country, than he did in his own.

See Ord. Vit. l. iv. p. 514, 515. See alſo Hoveden, f. 258, 259. ſub ann. 1069. et Ingulph. p. 79.

See Malmſb. l. iii. de W. I. f. 58.

It is a remarkable thing, that none of the Normans, except a few who conſpired with Roger earl of Hereford and Radulph de Guader, ſhould have expreſſed the leaſt diſcontent againſt the arbitrary proceedings of this haughty prince, which in ſeveral inſtances were no leſs inconſiſtent with their own native rights and liberties, than with thoſe of the Engliſh. Certainly they were a people unaccuſtomed to deſpotiſm, and not of a temper inclined to ſubmit to it: but ſeveral reaſons may be given to account for that patience. Under a government not fully ſettled, and maintaining itſelf more by the ſword than the laws, neceſſity of ſtate ſeems to require and to juſtify extraordinary acts of power,

and

and to take off thoſe reſtraints from the royal authority, which calmer ſeaſons admit. The Normans knew this; and they alſo knew that the Engliſh, the Scotch, and the Danes, were ready to avail themſelves of any diſſenſion between them and their ſovereign. They had likewiſe particular motives of intereſt, which bent their minds to more complaiſance than was natural to them, and ſoftened the ſtubborneſs of the ſpirit of liberty. For, as the lands that were taken from the Engliſh were given by the king to the foreigners in his ſervice, not all at once, but at many different times, as the forfeitures were incurred, and in ſuch proportions to each as he pleaſed, the deſire of profiting more and more by his favor kept them under the yoke of a continued dependence. And to theſe checks upon them was added that awful reſpect for his perſon which his illuſtrious actions and fortune inſpired. The Macedonians themſelves grew ſervile to Alexander upon the throne of Darius. Thus the Normans revered in the conqueror of Harold, and the monarch of England, that glory and greatneſs, which their own arms had enabled him to acquire. He appeared ſo fit to command, that they would not diſpute under what limitations they were bound to obey. But though they acquieſced under a preſent exceſs of the royal prerogative, they took effectual care that their rights ſhould obtain a legal eſtabliſhment. A diſtinction is to be made

made between the *government* of William the First, which was very tyrannical, and the *constitution* established under him in this kingdom, which was no absolute monarchy, but an ingraftment of the feudal tenures and other customs of Normandy upon the ancient Saxon laws of Edward the Confessor. He more than once swore to maintain those laws, and in the fourth year of his reign confirmed them in parliament: yet not without great alterations, to which the whole legislature agreed, by a more compleat introduction of the strict feudal law, as it was practised in Normandy; which produced a different political system, and changed both power and property in many respects; though the first principles of that law, and general notions of it, had been in use among the English some ages before. But that the liberty of the subject was not so destroyed by these alterations, as some writers have supposed, plainly appears by the very statutes that William enacted, in one of which we find an express declaration, "That all the freemen in his king-
"dom should hold and enjoy their lands and
"possessions free from all unjust exaction and
"from all tallage; so that nothing should
"be exacted or taken of them but their free
"service, which they by right owed to the
"crown and were bound to perform." It is further said, "That this was ordained and
"granted to them as an hereditary right for
"ever, *by the common council of the kingdom*:"
which

See Wilkinsii Leg. Gul. Conqueſt. 63. et Gervaſe Tilbur. Dial. de Scaccario c. xvi.

See Matt. Paris in Vit. Frether. Cœnobitæ. Ingulph. in fine Hiſt. Chron. Litchfield.

Selden's notes to Eadmerus. p. 171. Saxon. Chron. ſub. ann. 1085.

Leg. G. I. 55.

V. Append.

which very remarkable ſtatute is juſtly ſtyled by a learned author, Nathanael Bacon, *the first Magna Charta of the Normans*. And it extended no leſs to the *Engliſh* than to the *Normans*. But it was ill obſerved by William, who frequently acted as if his will had been the only law to both nations. It muſt be alſo allowed, that by the interpoſition of many *Meſne Lords* between the crown and the people, and by many offices of judicature and military command being rendered hereditary, which under the Saxons had been either elective, or granted for a ſhort term, the conſtitution became more ariſtocratical than before, more unequally balanced, and in ſome reſpects more oppreſſive to the inferior orders of freemen. Nor was the condition of the nobles themſelves to be envied. For there were certain burthens annexed to this ſyſtem of fiefs, which, as they naturally grew out of that policy, were impoſed on the higheſt vaſſals as well as on the loweſt, and were more grievous than any that the Saxons had borne under their conſtitution. Of what nature theſe were, and under what regulations they were afterwards laid, to prevent the abuſe of them, I ſhall have occaſions to ſhew more fully, during the courſe of this work.

See N. Bacon Civ. and Polit. Diſcourſes, c. xlvi.

The lands of the biſhops and greater abbots, which had been held before in *Frankalmoigne*, or free alms, were, by the authority of the whole legiſlature, in the reign of this prince,

See Mat. Paris ſub ann. 1070. p. 5.

prince, declared to be *baronies*, and bound to the ſame obligations of homage and military ſervice, as the civil tenures of the like nature, agreeably to the practice in Normandy and in France. Such a reſolute oppoſition was made to this act by ſome of the Engliſh abbots, that they were driven out of the realm by the king on that account. And indeed, if he had exempted theſe lands from the policy, to which he ſubjected other baronial poſſeſſions, it would have exceedingly diminiſhed the ſtrength of his kingdom. But there was another alteration, which though it was made with the concurrence of parliament, eſſentially hurt the commonwealth: I mean the ſeparating of the civil and eccleſiaſtical juriſdictions, which the Saxon biſhops and earls had exerciſed jointly in the county courts, by giving the biſhops a court of their own, for the ſole trial of ſpiritual matters by the epiſcopal laws. Though this was done under a ſpecious pretence of reformation, and for the avoiding of confuſion, it proved in its conſequences a great cauſe of the corruption of the clergy, and of the advancement of their power beyond its due bounds: for, beſides the partiality with which they proceeded, on being thus left to themſelves, they ſoon extended their judicature much farther than the legiſlature deſigned, including many cauſes, that in their own nature were purely civil, under the notion of ſpiritual matters, or (as the

See alſo Selden's notes to Eadm.

Vid. Charta Gul. I. Concil. M. Brit. t. i. p. 368, 369.

the ſtatute terms it) *caſes belonging to the government of ſouls.*

The king had indeed reformed the epiſcopal laws, with the advice of his parliament, as the ſame ſtatute declares; and by thoſe laws ſo reformed the ſpiritual court was to judge: but the pope, not the king, was really ſovereign there; and in proceſs of time it came to paſs, that whatever canons he authoriſed, the biſhops received, and proceeded upon them, in this their new juriſdiction: which could never have happened, if they had continued as formerly in the lay courts. The only remedy againſt theſe abuſes was the right of prohibitions and appeals to the crown: but that alſo was ſoon diſputed by the clergy. In all probability, the ſpiritual court had been before eſtabliſhed in Normandy; and this was a ſufficient motive to the king for introducing it into England: it being his conſtant endeavour, partly from policy and partly from prejudice, to bring the whole conſtitution to as near a conformity as he could with the Norman.

Nor was this the only inſtance, in which his proceedings with relation to the government of the church in this kingdom, deſerve to be cenſured. After he had depreſſed and almoſt deſtroyed the Engliſh nobility, he thought his deſpotiſm not compleat, while the archbiſhop of Canterbury and other Engliſh biſhops remained in their ſees: to deprive them of which, and fill up the vacancies with

See Eadm. hiſt. nov. p. 29. Ingulph. Dunelm, enſ.

foreigners devoted to his will, he had recourſe to the pope; and invited over three legates, to be the miniſters of this alteration: for, without the colour and aid of the papal power, he was afraid to offend the clergy of England. Alexander the Second was glad to take this occaſion of bringing that church into a ſtate of ſubjection to the ſee of Rome, from which it had hitherto preſerved itſelf free beyond mere compliments and forms of reſpect. The legates therefore had orders to ſerve him according to his wiſhes; and, none daring to diſpute what he agreed to, they were permitted to exerciſe ſuch an authority and juriſdiction in England, as never had been granted to any before. In return, they performed their commiſſion ſo entirely to his ſatisfaction, that, upon various pretences, with more regard to his intereſts and thoſe of Rome, than to juſtice and law, they depoſed Stigand archbiſhop of Canterbury, and all the other Engliſh biſhops, of whom he was jealous; leaving hardly any but Normans and foreigners, lately promoted by himſelf, or who had been advanced by the Norman faction in King Edward's reign. Several Engliſh abbots were alſo deprived of their abbeys, in the ſame manner, and apparently for the ſame end.

Ord. Vital. Brompt. et Hoveden ſub ann. 1070.

Thus did a confederacy of two uſurping powers oppreſs the rights of the Engliſh church, which, no leſs for the ſake of the crown than of the clergy, William would have ſtrongly maintained, if he had not been ſeduced

See Eadm. Præfat. p. 2. Selden's not. ad Eadm. Eadm. hiſt. nov. p. 6. Seld. not. ibidem.

ſeduced by the preſent ſubſerviency of the papal authority to his own particular views and intereſts. For he knew how to reſiſt it upon other occaſions. Notwithſtanding the violence with which Gregory the ſeventh oppoſed inveſtitures given by princes to biſhops and abbots, he ſupported the ancient rights of his crown in that point, and all other prerogatives in eccleſiaſtical matters, which his predeceſſors in Normandy had enjoyed, with an inflexible firmneſs; though he had to do with a pope, who boldly aſſerted, *That all civil power ought to be ſubject to eccleſiaſtical*, and, upon the ſtrength of that doctrine, *had formed a deſign of bringing all the crowned heads in the Chriſtian world under ſubjection to him, and obliging them to hold their kingdoms as fiefs of the holy ſee, and to govern them at his diſcretion.* Theſe are the words of the learned Dupin in his eccleſiaſtical hiſtory, and the truth of what they aſſert is clearly proved by the letters of Gregory himſelf. Among other pretenſions of this kind he laid claim to England, *as the Patrimony of St. Peter*, and by Hubert his legate, required William to hold it of him, as ſupreme Lord, and take an oath of feality to him for it. The anſwer of that king was peremptory and ſhort, "That he "never had promiſed to take any ſuch oath, "and that he could not find it had ever been "taken by any of his predeceſſors, nor ſhould "it by him." He had indeed, before he engaged in his enterprize againſt England, ap-

See Epiſt. Greg. vii. epiſt. xxv. l. 9. 3. 12.

See Dupin's eccleſ. hiſt. p. 48. et Greg. epiſt. l. i. epiſt. vii. l. ii. epiſt. lxiii. lxxiv. lxxv. l. 8. epiſt. xxiii.

See alſo Dupin eccl. hiſt. cent. xi. p. 37. 50.

See Lanfranc epiſt. ii. vii. Seld. not. ad Eadm. p. 164.

applied to the pope, as the beſt judge in political caſuiſtry, to get a confirmation of his claim to the crown, according to a practice much uſed in thoſe days upon diſputes of that nature; which Gregory the Seventh would have willingly conſtrued, as well as the payment of Peter-pence, an eleemoſynary gift, into an evidence of ſubjection to Rome: but he met with a ſpirit too high, and an underſtanding too ſtrong, to admit ſuch concluſions. Nor did he only drop that abſurd pretenſion; but found it neceſſary to treat this prince with regards, which he did not vouchſafe to any other in Europe. So far was William from conſidering himſelf as his vaſſal, that he would not allow the biſhops of England to go to Rome on his ſummons, or any papal letters or bulls to be received in that kingdom, unleſs approved by himſelf. And, though he affected to pay an outward reſpect to his clergy, he was always their maſter, and often their tyrant. The Engliſh biſhops had been generally too haughty and troubleſome to their kings. The Norman monarch, very deſirous to humble their pride, without being called an enemy to the church, ſubjected them more to the power of the pope, but in a great meaſure controuled that power by his own. Yet the conceſſions he made to it proved in their conſequences hurtful to his ſucceſſors: for the alliance between the crown and the papacy was ſoon diſſolved by their different intereſts; but between the papacy and the clergy a more ſtrict one

See Greg. epiſt. l. ix. epiſt. v. See Baron. Ann. a 1079. Eadm. p. 6. Lanfranc epiſt. l. vi. epiſt. xxx.

was formed, which laſted much longer, and at length became too ſtrong for the crown to reſtrain.

See Ord Vit. l. iv. p. 516.

It muſt be obſerved to the honor of this king, that in the diſpoſal of benefices and dignities in the church he choſe men of good characters, and was perfectly clear from all ſuſpicion of ſimony, notwithſtanding his avarice upon other occaſions; knowing of what importance it is to the ſtate that religion ſhould not be diſgraced by its miniſters. From the ſame principle he likewiſe reformed the monaſtical diſcipline, which had been much relaxed in England. The ſcandalous ignorance of the whole Saxon clergy gave him a good pretence to bring over foreigners of learning and parts, whom he placed in almoſt all the epiſcopal ſees, and alſo at the head of many abbeys and convents; which not a little contributed to ſtrengthen his government. But unfortunately theſe men, with the erudition of Italy, where moſt of them were bred, had acquired the principles of the Italian theology; and acting in this kingdom as if they had been miſſionaries ſent over from Rome, bent all their ſtudies, and employed all their knowledge, to defend and promote the doctrines and the intereſts of that ſee: ſo that, while, by their influence over the minds of the people, the king endeavoured to ſecure his own power, he ſerved that of the pope much more than he deſired or intended to do, and laid the foundations of moſt of the diſputes between the church and

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the crown, with which his poſterity was diſturbed for ſeveral ages.

As he had undoubtedly a great reach of thought, he would have taken more care to prevent theſe future evils, if he had not been almoſt perpetually engaged, either in domeſtic, or foreign wars, which called off his attention from more diſtant objects to what concerned his preſent ſafety. It has been often the fate of ambitious princes, to be very uneaſy in their own families, while they were fortunate and triumphant abroad; their example having infected the minds of their children, and communicated to them a turbulent ſpirit, that would not be confined within the limits of obedience. This vexation happened to William the Conqueror. His eldeſt ſon, Robert, was not reſtrained by the checks of nature or duty, from endeavouring to deprive him of his dutchy of Normandy by force of arms. That prince's pretenſions were grounded on a promiſe William had made, while he was ſoliciting aid from the court of France for the war he deſigned againſt England, that, if he ſhould ſucceed in that attempt, he would reſign to his eldeſt ſon his Norman dominions; which probably was thrown out, only to quiet the jealouſy the French had conceived of his becoming too potent a vaſſal. But, whatever might be the motive of it, he did not perform it; nor indeed could he with ſafety: for, in the manner he thought fit to govern the Engliſh,

Flor. Wigorn. ſub ann. 1077. Hoveden. p. 1. f. 262. Ord. Vit. l. v. p. 569, 570.

liſh, even to the end of his reign, his being maſter of Normandy was neceſſary to ſecure to him the poſſeſſion of England. Robert waited ſome time without complaining: but the inſtigations of France, working upon an unquiet temper of mind and a weak underſtanding, drew him at length into an open rebellion, to force his royal father to make good a promiſe, which it was indecent for a ſon even to put him in mind of: and he was powerfully ſupported in his pretenſions, not only by the French king, but by many of the Normans.

Nothing can excuſe ſuch an enormous violation of filial duty. The war would have ended in a parricide, if Robert, who, in an engagement had actually unhorſed and wounded his father, had not known him by his voice in that very inſtant: upon which he diſmounted, gave his own horſe to the king, and fell upon his knees, to beg forgiveneſs; but inſtead of that he received a malediction. The horror of this accident made ſuch an impreſſion upon the heart of the young prince, which was naturally good, that, although the advantage he had gained in the action was very conſiderable, he ſued for peace; and this, by the mediation of friends, was obtained for him; but he could never recover his father's affections: much leſs could he prevail upon him to yield up, during his life, the dutchy of Normandy, or even the earldom of Maine, which was become another ſource of diſcord between them,

Hoveden ut ſupra. Dunelm. ſub ann. 1077. Flor. Wigorn. ſub ann. 1079.

them, as will hereafter be explained in the account I ſhall give of the different claims made to that province. Diſguſted at this, the reſtleſs, indiſcreet, and ill-adviſed youth went out of England, and like an exile, or outlaw, wandered about Europe from one foreign court to another, fixing at laſt in that of France, where he employed all his credit, to incite king Philip to attack his father's territories on the continent. William was now grown infirm, and wiſhed for peace in his old age: but grievous depredations having been made by the French on the borders of Normandy, and his patience inſulted by words of contempt thrown out in publick by Philip, his great ſpirit was rouſed; and forcing his body to ſecond the invincible ſtrength of his mind, he carried his arms into the domains of that monarch with more fury than he had ever before made war in France. After ravaging the country in a terrible manner, he took by ſtorm the town of Mante, and ſet it on fire: but, either from exceſſive fatigue in the action, or (as ſome authors ſay) from a rupture occaſioned by bruiſing his belly againſt the pommel of his ſaddle in leaping a ditch, he fell very ill, and died not long afterwards, at the priory of St. Gervais near Rouen, in the year one thouſand and eighty ſeven, the twenty ſecond of his reign, and the fifty ninth of his age, according to William of Malmſbury, but the ſixty fourth, according to other hiſtorians.

Ord. Vit. l. vii. p. 659. Malmſb. f 62, 63. l. iii. de Wil. I. Gemiticen. l. vii. c. 44. l. viii. c. 2. Dunelm. Huntingdon.

Malmſb. l iii. de Wil. I. f. 63. et Ord. Vital. ſub. ann. 1087.

The character of this prince has ſeldom been ſet in its true light; ſome eminent writers having been dazzled ſo much by the more ſhining parts of it, that they have hardly ſeen his faults; while others, out of a ſtrong deteſtation of tyranny, have been unwilling to allow him the praiſe he deſerves.

See Saxon. Chron. p. 188, 189, 190, 191. Malmſb. de Wil. I. f. 62, 63. Huntingd. in fine Gul. I. f. 212. l. vii. Ord. Vital. Gemiticen. et Pictaven. de W. I.

He may with juſtice be ranked among the greateſt generals any age has produced. There was united in him activity, vigilance, intrepidity, caution, great force of judgment, and never-failing preſence of mind. He was ſtrict in his diſcipline, and kept his ſoldiers in perfect obedience; yet preſerved their affection. Having been, from his very childhood, continually in war, and at the head of armies, he joined to all the capacity that genius could give, all the knowledge and ſkill that experience could teach, and was a perfect maſter of the military art, as it was practiſed in the times wherein he lived. His conſtitution enabled him to endure any hardſhips; and very few were equal to him in perſonal ſtrength: which was an excellence of more importance than it is now, from the manner of fighting then in uſe. It is ſaid of him, that none, except himſelf, could bend his bow. His courage was heroic, and he poſſeſſed it, not only in the field, but (which is more uncommon) in the cabinet; attempting great things with means that to other men appeared totally unequal

equal to ſuch undertakings, and ſteadily proſecuting what he had boldly reſolved; being never diſturbed or diſheartened with difficulties, in the courſe of his enterprizes; but having that noble vigour of mind, which, inſtead of bending to oppoſition, riſes againſt it, and ſeems to have a power of controuling and commanding Fortune herſelf.

Nor was he leſs ſuperior to pleaſure than to fear. No luxury ſoftened him, no riot diſordered, no ſloth relaxed. It helped not a little to maintain the high reſpect his ſubjects had for him, that the majeſty of his character was never let down by any incontinence or indecent exceſs. His temperance and his chaſtity were conſtant guards, that ſecured his mind from all weakneſs, ſupported it's dignity, and kept it always, as it were, on the throne. Through his whole life he had no partner of his bed but his queen: a moſt extraordinary virtue in one who had lived, even from his earlieſt youth, amidſt all the licence of camps, the allurements of a court, and the ſeductions of ſovereign power! Had he kept his oaths to his people as well as he did his marriage vow, he would have been the beſt of kings: but he indulged other paſſions, of a worſe nature, and infinitely more detrimental to the publick, than thoſe he reſtrained. A luſt of power which no regard to juſtice could limit, the moſt unrelenting cruelty, and the moſt inſatiable avarice, poſſeſſed his ſoul. It is true

indeed, that among many acts of extreme inhumanity ſome ſhining inſtances of great clemency may be produced, that were either effects of his policy, which taught him this method of acquiring friends, or of his magnanimity, which made him ſlight a weak and ſubdued enemy; ſuch as was Edgar Atheling, in whom he found neither ſpirit nor talents able to contend with him for the crown. But where he had no advantage nor pride in forgiving, his nature diſcovered itſelf to be utterly void of all ſenſe of compaſſion; and ſome barbarities, which he committed, exceeded the bounds, that even tyrants and conquerors preſcribe to themſelves.

Moſt of our ancient hiſtorians give him the character of a very religious prince; but his religion was, after the faſhion of thoſe times, belief without examination, and devotion without piety. It was a religion that prompted him to endow monaſteries, and at the ſame time allowed him to pillage kingdoms; that threw him on his knees before a relick or croſs, but ſuffered him unreſtrained to trample upon the liberties and rights of mankind.

As to his wiſdom in government, of which ſome modern writers have ſpoken very highly, he was indeed ſo far wiſe, that, through a long, unquiet reign, he knew how to ſupport oppreſſion by terror, and employ the propereſt means for the carrying on a very iniquitous and violent

violent adminiſtration. But that which alone deſerves the name of wiſdom in the character of a king, the maintaining of authority by the exerciſe of thoſe virtues which make the happineſs of his people, was what, with all his abilities, he does not appear to have poſſeſſed. Nor did he excell in thoſe ſoothing and popular arts, which ſometimes change the complexion of a tyranny, and give it a fallacious appearance of freedom. His government was harſh and deſpotic, violating even the principles of that conſtitution which he himſelf had eſtabliſhed. Yet ſo far he performed the duty of a ſovereign, that he took care to maintain a good *police* in his realm; curbing licentiouſneſs with a ſtrong hand, which, in the tumultuous ſtate of his government, was a great and difficult work. How well he performed it we may learn even from the teſtimony of a contemporary Saxon hiſtorian, who ſays, that during his reign a man might have travelled in perfect ſecurity all over the kingdom with his boſom full of gold, nor durſt any kill another in revenge of the greateſt offences, nor offer violence to the chaſtity of a woman. But it was a poor compenſation, that the highways were ſafe, when the courts of juſtice were dens of thieves, and when almoſt every man in authority, or in office, uſed his power to oppreſs and pillage the people. The king himſelf did not only tolerate, but encourage, ſupport, and even ſhare theſe extortions. Though the greatneſs of the ancient, landed eſtate of the crown, and

See Chron. Sax. p. 190.

the feudal profits to which he legally was entitled, rendered him one of the richeſt monarchs in Europe, he was not content with all that opulence: but by authoriſing the ſheriffs, who collected his revenues in the ſeveral counties, to practiſe the moſt grievous vexations and abuſes, for the raiſing of them higher; by a perpetual auction of the crown lands, ſo that none of his tenants could be ſecure of poſſeſſion, if any other would come and offer more; by various iniquities in the court of exchequer, which was entirely Norman; by forfeitures wrongfully taken; and laſtly, by arbitrary and illegal taxations, he drew into his treaſury much too great a proportion of the wealth of his kingdom.

It muſt however be owned, that if his avarice was inſatiably and unjuſtly rapacious, it was not meanly parſimonious, nor of that ſordid kind, which brings on a prince diſhonor and contempt. He ſupported the dignity of his crown with a decent magnificence; and though he never was laviſh, he ſometimes was liberal, more eſpecially to his ſoldiers and to the church. But looking on money as a neceſſary means of maintaining and encreaſing power, he deſired to accumulate as much as he could, rather, perhaps, from an ambitious than a covetous nature: at leaſt his avarice was ſubſervient to his ambition, and he laid up wealth in his coffers, as he did arms in his magazines, to be drawn out, when any pro-

per occaſion required it, for the defence and enlargement of his dominions.

Upon the whole, he had many *great qualities*, but few *virtues:* and, if thoſe actions that moſt particularly diſtinguiſh the man or the king are impartially conſidered, we ſhall find that in his character there is much to admire, but ſtill more to abhor.

THE anger of William the Firſt againſt his eldeſt ſon Robert, was ſo confirmed by the laſt rebellious acts of that prince, that although on his death-bed he gave a full and free pardon to all his other enemies, he did not extend it to him; but puniſhing him as much as lay in his power, bequeathed the crown of England to William Rufus, the ſecond of his ſons then alive: Richard, who is ſaid to have been a young prince of great hopes, having died ſome years before.

Malmſb. l. ii. f. 62, 63. de Wil. II. Gemiticen. l. vii. c. 41. l. viii. c. 2. Dunelm. Huntingdon. Wil. Rufus. A. D. 1087.

It plainly appears from the moſt ancient Norman hiſtorians, that by the conſtitution of Normandy the duke had a power of appointing his ſucceſſor, provided it was done with the conſent of his barons: and that from Rollo, down to Robert, the father of William the Baſtard, not one had taken the government but by ſuch an appointment. He indeed had ſucceeded to his brother, Richard the Third, not by his brother's nomination, nor yet by hereditary right (for Richard had left an

V. in Duchesme hiſt. Norm. Dudon St. Quentin Decan. de moribus et actis Norm. l. iii. p. 91. W. I. ibidem, p. 113. R. I. p. 157. Wil. Gemiticen. hiſt. Nor. l. ii. c. 22. p. 233. l. iii. c. x. p. 237. l. iv. c. 20. p. 248. l. v. c. 17. p. 257.

an infant ſon) but purely by election. Nor was his nephew excluded on account of his infancy: for ſeveral infants had been permitted to ſucceed to that dukedom, when nominated by their fathers: but he was ſet aſide, and Robert was raiſed in his ſtead to the government, by the favor of the barons; over whom he preſerved ſo much influence, that, not having a ſon born in wedlock, he brought them to confirm the ſettlement he deſired to make of his dutchy, upon William, his baſtard: though, at the time this was done, there were in Normandy ſome collateral legitimate branches of the houſe of Rollo ſubſiſting.

The Norman government therefore was neither hereditary, according to the preſent ſenſe of that word, nor purely elective, but of a mixed nature, which partook of both: ſo far hereditary, that it was confined to *one family*; ſo far elective, that out of *that family* the duke had an option to name his heir, even the illegitimate not being excluded: and his nomination was valid, if confirmed by the barons, as it generally was, unleſs ſome extraordinary objection occurred. If it happened that no ſucceſſor was named by the duke *with their approbation*, then they elected whom they judged the moſt proper of the deſcendants of Rollo; but to them they always adhered, and the neareſt in blood was thought to have the faireſt pretenſions. Nor did the Engliſh cuſtoms differ from the Norman as to the right of ſucceſſion; except that in England minors had

See the will of king Alfred at the end of Aſſer. de vita Ælfredi.

had uſually been ſet aſide: but there alſo the crown had often been diſpoſed of by teſtamentary ſettlements, approved by the nation in the Witenagemot, or parliament, and ſometimes by their election, without regard to a lineal deſcent.

Upon theſe principles therefore, and not upon the idea of ſuch a ſtrict hereditary right, as ſince that time a better policy has eſtabliſhed, we ought to judge of the title, which William Rufus had to the Engliſh crown: for, without taking theſe into our conſideration, we ſhall be led to imagine it not ſo good as it was in the opinion of that age. It is a great fault in ſome modern writers of the early parts of our hiſtory, that they are apt to aſcribe to thoſe times all the political notions of theſe; which is no leſs improper than to ſuppoſe that theſe times are bound ſtrictly to conform to the notions of thoſe, though a contrary uſage has long prevailed, and though it muſt be owned by all thinking men, that the conſtitution of England has been much improved by various alterations. The only trace that remains, or has remained for ſeveral centuries, of the maxims which regulated either the Saxon or Norman ſucceſſion, is that great, fundamental law, upon which the whole frame of our government and liberty reſts, *that the ſucceſſion to the crown may be limited and altered by parliament*. But this has not been done in latter times, either ſo often, or upon ſuch

ſuch light occaſions, as, by ſeveral inſtances, we find that it was, both before and in thoſe of which I write; nor is there now any need of a teſtamentary appointment, or of an election by parliament, to convey the inheritance; but, where no legal and declared impediment hinders, the next in deſcent, though a minor or a woman, ſucceeds of courſe. And it is indiſputably much better that the rule of ſucceſſion ſhould be fixed and certain; the right of changing the courſe of it being reſerved to the parliament, wherein the whole force and energy of the nation reſides, among thoſe extraordinary powers which are not to be exerciſed, but in caſe of the moſt urgent, compulſive neceſſity, and for the publick ſafety only.

From what has been ſaid it is evident, that, agreeably to the cuſtoms both of the Normans and Engliſh during that age, William the Firſt might think himſelf juſtified, by the repeated revolts of his eldeſt ſon, to leave his dominions to a younger, who had always been affectionately dutiful to him, and in whom he ſaw many qualities worthy of a throne: eſpecially, as the former, at that very time, was not only a rebel, reſiding and ſerving in an enemy's kingdom, but the chief fomenter and cauſe of the war. Yet he had reaſon to doubt whether the barons in Normandy would not refuſe their conſent, if he ſhould nominate William Rufus, or Henry, his youngeſt ſon, to be his ſucceſſor there. For, beſides that they

Seo Malmſb. de W. II. f. 62, 63. l. iii. Gemiticen. l. vii. c. 44. l. viii. c. 2.

See Ord. Vit. l. iv. p. 545. l. vii. p. 659. Malmſb. de Wil. II. f. 63. l. iii.

they had formerly done homage to Robert, as heir to their dukedom, that prince poſſeſſed their affections. Thoſe who knew him beſt expected to govern him, and therefore concurred with the multitude, who deſired him for their ruler becauſe he was liberal, good-natured, and brave. On this account his father was induced to leave him that dutchy, which he had not the power to take from him; contenting himſelf with cutting him off from the ſucceſſion in England, where he hoped that the parliament would be more eaſily induced to confirm his appointment.

To procure their concurrence great dexterity was employed, and great diligence uſed, by William Rufus himſelf, who, being in Normandy with his father at the time of his death, made ſuch haſte into England, that he did not even ſtay to attend upon the ceremony of the interment. Lanfranc archbiſhop of Canterbury was the firſt object of his attention. The friendſhip of any man poſſeſſed of that ſee was then an advantage of great importance to a prince upon ſuch an occaſion; but the perſonal character and credit of Lanfranc rendered it of ſtill greater. The Engliſh thought him their friend; for his humanity made him one to all in diſtreſs: and the Normans were ſenſible that he had uſed the king's favor to moderate and reſtrain the violence of his temper. The authority, which theſe opinions produced, gave him the higheſt degree of influence in this conjuncture. To him William Rufus

Malmſb. f. 67. l. iv. de W. II. Eadm. hiſt. nov. l. i. p. 13, 14.

Idem. l. iii. f. 61, 62.

Ord. Vit. l. viii. ſub ann. 1087. Eadm. p. 13, 14.

Rufus brought a letter from his father in the nature of a teſtament, by which that monarch declared, that he appointed this prince his ſucceſſor in the kingdom. The archbiſhop had a paternal regard for William Rufus, whom he had educated himſelf, and who had even received from his hands the order of knighthood: yet he required ſome extraordinary ſecurities from him; which William, who feared that any delay might be hurtful, very readily gave, ſwearing to Lanfranc himſelf, and engaging ſome of his friends to become pledges for him, that he would govern the realm with juſtice and mercy, and defend, againſt all men, the ſafety, peace, and liberty of the church. Nay, if we may believe a contemporary writer, he added an oath, *that he would in all things obey the precepts and counſels of the archbiſhop*. Thus he entirely gained that prelate, and immediately got poſſeſſion of the royal treaſure laid up in the palace at Winchester, amounting to ſixty thouſand pounds weight of ſilver in coin, beſides gold, jewels, plate, and robes, that belonged to the crown, of which he alſo found a very large ſtore. The ſilver money alone, according to the beſt computation I am able to make, was equivalent at leaſt to nine hundred thouſand pounds of our money at preſent. His being maſter of this, and the reſpect they paid to his father's appointment, ſo recommended him to the Normans ſettled in England, that the chief lords very haſtily concurred in his coronation,

Malmſb. l. iv. f. 67. de geſt. Pont. f. 118.

Eadm. Hiſt. nov. p. 13.

Eadm. ut ſupra.

Huntingd. l. vii. f. 213.

See notes to this book.

V. Malmſb. l. iv. f. 67. ſect. 20.

nation, performed by Lanfranc at Weſtminſter on the twenty ſeventh of September, in the year one thouſand and eighty ſeven. Soon after which, as executor of the will of his father, he gave a bountiful alms to every church in the kingdom, and to the poor in each county; which, though bequeathed by that monarch for the benefit of his own ſoul, operated to the advantage of William Rufus, and was indeed a bribe to the people. But, in truth, the Engliſh were more inclined to him than his brother: for, having reſided longer in England, he was thought more an Engliſhman, and had endeared himſelf to them by a behaviour more agreeable to their temper and manners. He had therefore no difficulty in bringing them to ſupport his pretenſions. The clergy were induced by Lanfranc to favor his title; and before the end of the year all the vaſſals of the crown, having confirmed it in parliament, ſwore fealty and homage to him, without any one diſſentient voice being heard.

Ingulph. ſub ann. 1087. p. 106.

But he had not reigned many months, when his throne was ſhaken by a ſudden and almoſt general conſpiracy of the great Norman lords, who, though nothing had yet been done by him to offend them, forſook him, and not regarding the oaths they had taken, eſpouſed the cauſe of Duke Robert. The only reaſon then aſſigned for this revolt, was an apprehenſion of weakening their ſecurity here, by the ſeparation of Normandy from the kingdom

Ord. Vit. ſub ann. 1087. l. viii. Huntind. l. vii. f. 213. Malmſb. l. iv. f. 57. de W. II. Flor. Wigorn. ſub ann. 1087.

of England. This was ſtrongly inforced to them by the king's uncle, Odo biſhop of Bayeux. In the reign of William the Firſt, his brother on the mother's ſide, he had been, many years, grand juſticiary of England, during which, by all kinds of oppreſſion and injuſtice, he had amaſſed ſuch vaſt ſums, that he formed a deſign of buying the papacy on the death of Gregory the Seventh, while that pontiff was yet living, and engaged Hugh earl of Cheſter, with many barons and knights, to accompany him to Rome, and aſſiſt him there, by force of arms, to ſecure his election, as ſoon as the ſee ſhould be vacant. The unquiet ſpirit which then prevailed in the Normans more than in any other people, induced them to leave their eſtabliſhments in this iſland, acquired at the expence of ſo much blood, and ſeek for greater in the eccleſiaſtical ſtate: but it is probable that the earl might alſo incline to try this adventure from ſome diſguſt againſt William; as he could not reaſonably hope for a much higher fortune than he already poſſeſſed in England and Wales. The deſign was thought extraordinary, even in that age! nor was it allowed to be carried into effect. For the king, informed of it, and not pleaſed that his kingdom ſhould loſe ſo much of its wealth and military force, came out of Normandy, found his brother in the Iſle of Wight juſt embarquing, and arreſted him with his own hand, ſaying, *that he did not arreſt the biſhop of Bayeux, but the earl*

Malmſb. l. iii. f. 62, 63, de W. I. Ord. Vit. l. vii. p. 646, 647. ſub ann 1085.

earl of Kent; a diſtinction ſuggeſted by Lanfranc. This act of authority being done, which no other dared to do, he impeached Odo of many criminal maleverſations in his office, which he had connived at before; and, notwithſtanding an application from Gregory the Seventh in his behalf, kept him a cloſe priſoner till his own deceaſe, after ſeizing all his treaſures to the uſe of the crown. The people of England thought it a kind of relief, to ſee the principal inſtrument of the evils they had ſuffered, though he was above the reach of their reſentment, thus puniſhed at laſt by the anger of the king, whoſe authority he had ſo long abuſed. But the ſollicitations of friends having prevailed on that prince, in his laſt moments, and againſt his own inclination, to ſet him free, William Rufus reſtored to him his earldom and lands, but did not give him any power; which to a man of his temper was an unpardonable offence. He therefore employed all his talents (and he ſeems to have had great ones) in endeavouring to transfer the crown to Robert, whom he expected to govern. By his intrigues with thoſe nobles, who, having eſtates both in England and Normandy, feared, that if they ſhould remain under different ſovereigns, their lands might be forfeited in the one country or the other, the defection of the Normans became almoſt univerſal. In this extremity William had no reſource but the Engliſh; and therefore, more powerfully to engage their affections, he not

See Malmſb. l. iv. f. 67. de W. II.

See Greg. epiſt. l. xi. epiſt. ii.

Ord. Vit. et Flor. Wigorn. ſub ann. 1087. Huntingd. l. vii. Dunelm. p. 215. Sax. Chron.

p. 194, 195. Malmſb. f. 67, 68. l. iv. de W. II. Idem de geſtis Pont. Ang. f. 122.

not only careſſed them, as the friends on whom he relied, but engaged himſelf to them by the ſtrongeſt aſſurances, that he would give them better laws than had ever before been eſtabliſhed in England, take off all illegal taxes, and reſtore to them their ancient freedom of hunting. This raiſed him an army of *thirty thouſand men*, who ſerved him bravely and faithfully in his diſtreſs, and to them chiefly he owed his preſervation: which proves that the Engliſh were not (as ſome writers have ſuppoſed) reduced ſo low by William the Conqueror, even at the end of his reign, as to be mere abject drudges and ſlaves to the Normans. Their force was ſufficient to maintain that prince of the royal family, who courted them moſt, upon the throne of this kingdom, againſt all the efforts of the contrary faction: a very remarkable fact, which almoſt retrieved the honor of the nation.

V. Auctores citatos ut ſupra.

William Rufus, thus favored by the natives of England, was a more lawful ſovereign of it, by their election, than Robert could be, by any right of inheritance derived from a father, whoſe own title had been originally bad. Yet though he had gained this advantage, and availed himſelf of it now as his ſtrongeſt ſupport, he uſed all poſſible means to win over the greateſt of the Norman nobility, and break their confederacy; offering them privately any money or lands they deſired, and remonſtrating to them, *that they ought to take care how they impeached his right to the crown; ſince*

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the ſame who had made them earls had made him king. There was much force in this argument, and it did him good ſervice. Lanfranc alſo, who had their confidence, became ſurety for him, that he ſhould redreſs all the grievances they had complained of under the government of his father: and, ſeeing the Engliſh ſo affectionate to him, they thought there would be no danger of that nation's ſhaking off the Norman dominion; but, on the contrary, grew jealous, that, if he ſhould be ſupported by the arms of the Engliſh alone, he might become more an Engliſhman, than, for their own intereſt, they wiſhed him to be. By theſe conſiderations ſome of the principal nobles were fixed to his party, and others returned to it who at firſt had left him. The clergy in general adhered to him ſtrongly, out of regard to their primate. A large body of forces, ſent by Robert from Normandy, while he was preparing to come over himſelf with a greater embarkation, was deſtroyed in the channel, by the ſhips that guarded the coaſt; which ſo intimidated the duke, that it ſtopped his deſign: but his brother loſt no time in attacking the conſpirators, and ſoon compelled all the chiefs of them to quit the realm: after which the whole nation ſubmitted quietly to him, under the hope and aſſurance of a good government. Nor were their expectations contradicted at firſt by his conduct: but after ſome time proſperity corrupted his nature, or rather diſcovered what policy and fear had concealed.

V. Chron. Sax. p. 195. ſub ann. 1089. Huntingdon, l. vii. f. 213.

Malmſb. f. 69. l. iv. de Will. II. Idem de geſt. Pont. Angl. f. 122. Ingulph. ſub ann. 1089.

ceaſed. This change was accelerated by the deceaſe of Lanfranc, who died the next year, with a very great reputation in the whole Chriſtian world, for piety, learning, and parts: but he had made an unhappy uſe of his talents, by becoming the principal champion againſt Berengarius for the new doctrine of tranſubſtantiation, unknown to the church of England at the beginning of this century, as is unconteſtably proved by the epiſtles and canons of Ælfric archbiſhop of Canterbury, and by the prayers and homilies uſed at that time. It was principally owing to the authority of Lanfranc ſupported by Rome, that ſo ſtrange a tenet was now eſtabliſhed both in England and in France. He had lived in cloſe friendſhip with Gregory the Seventh, before the latter was exalted to the papal throne, and had gone ſo far into his notions, that, in an anſwer which he wrote to one of his letters, wherein that pontiff complained to him of William the Conqueror's refuſing to acknowledge himſelf his vaſſal, he told him, *he had endeavoured to perſuade the king to it, but could not prevail.* Yet it appears that he afterwards altered his opinion; or, at leaſt, he acted very differently from many of the maxims aſſerted by Gregory. For he refuſed to go to Rome againſt his ſovereign's orders; anſwering the pope, who very imperiouſly ſummoned him thither, that the laws of the kingdom would not permit him to leave it without the conſent of the king; and perſiſting in his refuſal, though threa-

See Uſher's anſwer to the Jeſuit, from p. 77. to 80. Canon. Sax. MSS. Bibl. C. C. C. f. 294. Epiſt. Ælfric. ad ſacerdot. MS. Coll. C. C. Cantab. Hickeſii Theſaurus. See alſo Matt. of Weſt. ſub. ann. 1087, et Lanfran. epiſt. v. xxxiii. l. See Lanfranc. epiſt. viii. Baron. Annal. ſub ann. 1079.

threatened by his Holineſs with a ſuſpenſion. He likewiſe aſſiſted his maſter in maintaining all the other points of ſupremacy, that were diſputed between him and this arrogant pontiff. Upon the whole, he was as good an archbiſhop of Canterbury, as an Italian who lived in the eleventh century could well be; and the loſs of him was much lamented, both by the Normans and Engliſh.

See Lanfranc. epiſt. xxx. Baron Annal. ſub ann. 1081.

After his death, William Rufus, whoſe paſſions had been curbed by an habitual reſpect for the gentle authority of a virtuous preceptor, grew more bold in his vices, and more impatient of any counſels delivered with freedom: yet his character for ſome time remained undecided; his great and good qualities being ſo mixed with his bad, that the world was in doubt what judgment to form of him. But an immenſe prodigality, which he was forced to ſupport by rapine and extortion, with the inſtigations of a miniſter worſe than himſelf, determined that doubt, and made the latter years of his reign a continual ſeries of grievous oppreſſions.

V. Malmſb. f. 69. l. iv. de W. II.

Ralph Flambard, a Norman, who, from the dregs of the people, had been advanced by William the Firſt to be one of his vaſſals, became ſuch a favorite with this king, that he was ſet at the head of his adminiſtration, and, to the infinite ſcandal of the Engliſh church, made biſhop of Durham. The merit that recommended him to theſe great promotions was a forward and enterprizing ſpirit, an

See Domeſday book. Ord. Vit. l. viii. p. 678, 679. et l. x. p. 786. S. Dunelm. p. 225.

an eloquent tongue, a taſte for thoſe pleaſures his maſter loved, but, above all, a very fertile invention of ways and means for the raiſing of money, with a remorſeleſs inſenſibility to the complaints of the people, and a daring contempt of the reſentments of the nobles. He had ſcarce any learning, and not ſo much as an external ſhew of religion: but a more agreeable wit, a more ſkilful courtier, a more ſubtle lawyer, a more magnificent prelate, was not in the kingdom. Under the power of this man, the commons of England, inſtead of being relieved from their grievances, agreeably to the promiſes made by the king, were harraſſed with worſe exactions, than they had borne even under the miniſtry of the biſhop of Bayeux. The whole nation now felt, more inſupportably than ever, what heavy burthens the feudal laws could by arbitrary conſtructions impoſe on the ſubject. Aids levied by virtue of the royal prerogative, upon a pretended neceſſity, of which the king himſelf was the ſole judge; or aſked as *free gifts*, but which it would not have been ſafe for any man to refuſe; exorbitant fines (called in the law-term *Reliefs*) on the deceaſe of the tenant; grievous extortions on the livery of lands to the wards of the crown, and other abuſes of wardſhip, particularly with regard to the marriage of wards; all theſe, and more, were complained of as effects of the counſels of Flambard. They fell indeed firſt upon the great Norman lords; but the evil did not ſtop there. Whatever

Eadmer. Ingulphus. Chron. Sax. S. Dunelm. Malmſb. Huntingdon. Ord. Vit. de W. II.

ever demands were made by the king on his vaſſals, they made on theirs; whatever powers he exerciſed, they likewiſe claimed, and often abuſed ſtill more than he. Thus the concatenation, by which the ſeveral parts of the feudal ſyſtem were linked together, became a mere chain of arbitrary oppreſſion, under which all ſuffered much, but the loweſt moſt. Nor was the avarice of the court content with theſe methods of acquiring wealth. Every thing was ſold by the king and his miniſters; benefices, biſhopricks, juſtice itſelf. When all other means were exhauſted, confiſcations were ſought for under various pretences, the laſt and worſt reſource of a prodigal tyrant!

One is ſurprized, that, in times, which had no idea of the duty of *paſſive obedience*, either the Normans or Engliſh ſhould have endured ſuch a government. Great advantage might have been taken of the enmity between the two brothers, which cut off the communication between England and Normandy, and deprived the king of the means, which his father had preſerved, of drawing recruits from thence to oppreſs the Engliſh. But this, perhaps, was the very reaſon why the Normans in England durſt not rebel. They might be afraid that the Engliſh ſhould take occaſion from their diſagreeing among themſelves, to drive them all out of the kingdom. On the other hand, ſuch a deſtruction had William the Conqueror made of the Engliſh nobility,

that

that there remained no chief of that nation who had any authority with his countrymen: and popular diſcontents are not very dangerous without an able head to direct them. Thoſe who had eſcaped from the ſword or impriſonment were gone into the ſervice of foreign powers, ſome even as far as Conſtantinople, where they were loſt to their country, and could do it no ſervice againſt the deſpotiſm under which it was fallen. The extravagant bounties of William Rufus, who gave his army all he could tear out of the bowels of his people, not only endeared him to the ſoldiery here, but drew to his ſervice great numbers of the moſt valiant men from all parts of Europe, who were a continual ſupply of new force, by which he was enabled to intimidate thoſe of his national troops who were at any time diſpleaſed with his conduct. Yet one conſpiracy was formed to dethrone him, by Robert de Mowbray, earl of Northumberland, and ſome of the greateſt Norman lords: but not being ſupported, for the reaſons I have given, by any general inſurrection, his active valour and prudent conduct ſoon overcame it: ſo that, in the iſſue, this unſucceſsful revolt only augmented his power.

See Ord. Vit. l. iv. p. 508.

Ord. Vital. Malmſb. f. 69, 70, 71. l. iv. de W. II.

Flor. Wigorn. ſub ann. 1095 et 1096. S. Dun. ſub. iiſdem ann. Malmſb. l. iv. f. 70. de W. II. Hunting. ſub ann. 1095.

It is worthy of note, that theſe lords did not conſpire in the name of Duke Robert, but, without any regard either to him or Prince Henry, his youngeſt brother, deſigned to have given the crown to Stephen earl of Albemarle, nephew to William the Firſt by

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one of his ſiſters, married to Odo earl of Champagne and of Holderneſs, a younger ſon of the houſe of Blois, who had ſettled in Normandy. As this neceſſarily united all the three brothers againſt their attempt, it ſeems to have been a very impolitick meaſure. Moſt of the conſpirators fell into the hands of the king, who had ſo much moderation, as to puniſh but few of them either in life or limbs, contenting himſelf with only impriſoning the others, among whom were Robert de Mowbray, Odo earl of Champagne, and Stephen, his ſon. But they all ſuffered in their fortunes; for the king's wants required a large ſupply, and his nature delighted more in confiſcations than blood. Indeed his ſparing the lives of the three noblemen abovementioned, eſpecially of the laſt, was an extraordinary act of mercy; jealouſy of ſtate ſcarce permitting the mildeſt king to ſuffer a ſubject to live, whoſe ambition had aſpired to deprive him of his crown. William extended his clemency ſo far, as even to ſet the earl of Albemarle at liberty, after a very ſhort time: for he is mentioned in hiſtory among the chiefs of the firſt cruſade. Probably his father was alſo releaſed; but Robert de Mowbray remained in priſon almoſt thirty four years, and died there of old age.

See Gemitic. l. viii. p. 294. Ord. Vit. l. iv. p. 522, l. v. p. 574.

Matth. Paris. ſub ann. 1097, 1098.

Ord. Vit. l. vii. p. 649.

It was well for the king, that before this conſpiracy broke out in England, Scotland had been diſabled from giving him any diſturbance.

bance. For, though Malcolm the Third had done homage to William the Conqueror, for thoſe parts of his kingdom that had been anciently held of the Engliſh crown, there was no ſincerity of friendſhip between them; that prince, out of affection to his queen and her countrymen, hating the Normans, and obſerving very ill the peace he had been conſtrained to make. In the fourth year of this reign, the king being in Normandy, he invaded Northumberland, and having ravaged the open country retired again into his own territories: but, to revenge that inſult, William Rufus returned into England, raiſed a great force, by ſea and land, and marched againſt Scotland, accompanied by his brother Robert, with whom, after having attacked him in his own dutchy, he had made an agreement, which, if either of them ſhould die without legitimate iſſue male, conſtituted the other his heir in all his territories and poſſeſſions, beſides ſome preſent advantages reciprocally granted on either ſide. The two brothers, thus reconciled, advanced into Lothian; but, before they got thither, almoſt all the Engliſh fleet was deſtroyed by a tempeſt; and the cavalry ſuffering much for want of proviſions, and from the coldneſs of the weather, William conſented that Robert, for whom he knew that the king of Scotland profeſſed a regard, ſhould be the mediator of a peace between the two crowns, conjointly with Edgar Atheling.

See Malmſb. l. iii. f. 58. de W. II. Flor. Wigorn. ſub ann. 1072.

Idem, ſub ann 1091. Malmſb. f. 68. l. iv. de W. II.

That

That prince, in the year one thouſand and eighty ſix, had left the Engliſh court, and gone into Apulia; from whence, upon the death of William the Conqueror, he returned into Normandy, invited by Robert, who gave him an honorable fief in that dutchy. But when the agreement was concluded between Robert and William Rufus, the latter, who had conceived ſome reſentment againſt Edgar, inſiſted upon his being deprived of this grant. Thus driven from Normandy the unfortunate fugitive retired into Scotland, and, being in his nature pacific, eaſily lent his good offices, to accommodate the quarrel between the two kings; upon the merit of which conduct William Rufus condeſcended to be reconciled to him; and that was all the benefit he drew from the treaty. Yet, though Malcolm, from a deſire of obtaining this peace, agreed to do homage to the king of England for the fiefs he held of that crown, as he had done to his father, new differences immediately broke out between them, upon the nature of his ſervice, and the manner in which the queſtion ſhould be determined; differences, that ſoon afterwards occaſioned a war, which Malcolm began by a moſt furious incurſion into Northumberland: but acting there with more heat than prudence, both he and his eldeſt ſon, a youth of great hopes, were ſurprized by a party of Robert de Mowbray's troops, commanded by a knight named Morel, and ſlain, near Alnwicke caſtle, of which Morel was the governor, in

See F. Wigor. ſub ann. 1087. et 1091.

Idem ibidem. Huntingdon. l. vii. f. 213. See Malmſb. f. 68. l. iv. de W. II. Idem, f. 89. l. v. Flor. Wigorn. ſub ann. 1093. Sax. Chron. Huntingdon. l. vii. f. 214. S. Dunelm. ſub ann. 1093.

in the year of our Lord one thouſand and ninety three.

The character of this monarch cannot better be ſhewn, than by one fact, which is related from the mouth of his own ſon, King David the Firſt, to King Henry the Second, his great grandſon, by Ethelred abbot of Rivaux. Having received an information, that one of his nobles had conceived a deſign againſt his life, he injoined the ſtricteſt ſilence to the informer, and took no notice of it himſelf, till the perſon accuſed of this execrable treaſon came to his court, in order to execute his intention. The next morning, he went to hunt, with all the train of his courtiers, and, when they were got into the deepeſt woods of the foreſt, drew that nobleman away from the reſt of the company, and ſpoke to him thus: "Behold! we are here alone, armed, and "mounted alike. Nobody ſees, or hears us, "or can give either of us aid againſt the other. "If then you are a brave man, if you have "courage and ſpirit, perform your purpoſe; "accompliſh the promiſe you have made to "my enemies. If you think I ought to be "killed by you, when can you do it better? "when more opportunely? when more manfully?—Have you prepared poiſon for me? "that is a womaniſh treaſon—Or would you "murder me in my bed? an adultereſs could "do that—Or have you hid a dagger to ſtab "me ſecretly? that is the deed of a ruffian.— "Rather act like a ſoldier; act like a man; "and

See Ethelred. abb. Riev. de genealogia reg. Angl. p. 367.

" and fight with me hand to hand; that your " treaſon may at leaſt be free from baſeneſs." At theſe words, the traitor, as if he had been ſtruck with a thunderbolt, fell at his feet, and implored his pardon. " Fear nothing: you " ſhall not ſuffer any evil from me;" replied the king; and kept his word.

Beſides this admirable greatneſs of mind, he had many other virtues, both publick and private; and is charged with no fault, but too barbarous a manner of making war in his incurſions into England. He gave a new form to the conſtitution of Scotland, modelling it nearly upon the ſame feudal plan, as that which the Engliſh had received under the reign of William the Firſt; though he was no friend to the Normans. Nor did his ſubjects oppoſe this alteration: which ſhews that his authority was great among them. Perhaps indeed the nobility, who found their account in it better than the people, might be inclined to aſſiſt him; and, when it was once eſtabliſhed, his good and mild government recommended it to them, and covered its defects. Nor do we know enough of the former conſtitution of their kingdom, to be able to form a true judgment, how far they either gained or loſt by the change.

See S. Dunelm. ſub ann. 1070 et 1093.

The untimely death of this king, and of a young prince who ſeemed to inherit his virtues, was a terrible blow to Scotland, and drew after it a train of other misfortunes.

Margaret wife to Malcolm, a lady renowned for piety and goodneſs, who in a court had always led the life of a ſaint, died of grief for the ſudden loſs of her huſband and her ſon. She heard the account of it, received the laſt ſacraments, and expired in three days. Very ſoon afterwards, the Scotch parliament expelled Edgar Atheling, with all the other Engliſh whom Malcolm had employed in his ſervice, and gave the crown to Donald-Bane, the late king's younger brother, though that monarch, at his death, had left five ſons, born to him of Margaret; theſe being all ſet aſide, on account of their nonage and Engliſh blood, againſt which laſt an exceſſive rage of national hatred had been excited by jealouſy, and envy at the favors, which the bounty of that prince, and his affection for his conſort, had made him heap on her countrymen with too profuſe a hand. Indeed this was the real cauſe, and the other only a pretence: for though we are told by Buchanan, that the ancient cuſtom of Scotland had been *to chuſe, not the next, but the fitteſt, of the dead king's relations*, and therefore minors had not been ſuffered to reign in that kingdom, for ſeveral ages; yet, under Kenneth the Third, a different conſtitution had been received, and, in ſpite of great oppoſition from the princes of the blood, which it afterwards met with, was confirmed by the parliament under Malcolm the Second; it being then enacted, that the eldeſt ſon of the king ſhould ſucceed to his father; and, if the ſon died

See Buchanan, l. vi.

died before the father, the grandſon ſhould, if there was any, ſucceed to the grandfather, and, if under age, ſhould have a guardian or protector aſſigned him. But the furious averſion which moſt of the nobility had now to the Engliſh, revived the old law and abrogated the new: which was the more eaſily done, as Donald-Bane was ſupported by Magnus king of Norway, whoſe aſſiſtance he had purchaſed by a ſecret engagement to yield to him all the weſtern iſles. Upon this revolution, Edgar Atheling carried with him into England the orphan children of Malcolm; among whom was Matilda, a very beautiful princeſs, who was afterwards married to king Henry the Firſt. See Buchanan, l. vii.

William Rufus was now delivered from all apprehenſions of danger from Scotland: but, not content with ſecurity, he ſought further advantages from this event. A natural ſon of Malcolm, whoſe name was Duncan, had been ſent to his court as an hoſtage. He was then of full age, and thinking the opportunity favorable aſpired to the dominion of Scotland. William conſented to aſſiſt him in that deſign with an army, after having received from him an oath of fealty. By the help of theſe forces he defeated Donald-Bane, drove him into the weſtern iſles, and got poſſeſſion of the throne: but, ſome of the foreign auxiliaries being retained in his ſervice, the jealouſy of the Scots broke out again as ſtrong as before; a powerful conſpiracy was ſuddenly Flor. Wigorn. ſub ann. 1093. Sax. Chron. S. Dunelm. Huntingdon. Malmſb. l. v. f. 89.

formed in his court; the Engliſh and Normans were almoſt all maſſacred; but his own life was ſpared, and he was even allowed to reign, under a ſolemn engagement, that he would bring no more foreigners into his kingdom. Yet he was murdered ſoon afterwards, by Malpeit earl of Merns, at the inſtigation of Donald-Bane and of his own half-brother Edmond, one of the five ſons of Malcolm and Margaret, who was perſuaded to concur in this wicked act, on a promiſe from his uncle of one half of the realm. But no regard was paid to that covenant by Donald-Bane, when he had recovered the throne; and, after three years, the Scots being diſguſted at the loſs of their iſlands, which the king of Norway had ſeized, agreeably to the former compact between him and their ſovereign, they invited Prince Edgar, the eldeſt of Malcolm's ſurviving ſons, to aſſert his right to the crown, as the objection formerly made to him, on account of his minority, no longer ſubſiſted. Edgar, who lived under the protection of William, was afraid to leave his court without his conſent, or to undertake ſuch an enterprize without his help. He applied to him for both; and William thereupon, conſidering that Donald-Bane would be always his enemy, on account of the aſſiſtance he had given to Duncan, and deſiring that Scotland ſhould have a king made by him, determined to aſſiſt his royal gueſt, and ordered a body of his own troops to march into that kingdom, under the com-

See Malmſb. l. v. f. 89.

Buchan. l. vii.

Malmſb. de W. II. f. 69. l. iv.
S. Dunelm.
Huntingdon.
Sax. Chron.
Flor. Wigorn.

command of Edgar Atheling, againſt Donald-Bane. There is not in all hiſtory a more ſtriking inſtance of the extraordinary changes, which the courſe of Providence makes in human affairs, than to ſee that very prince, who was the lineal heir to the Saxon crown, ſet at the head of a Norman army, and ſent to conquer the kingdom of Scotland in behalf of his nephew, by the ſon and ſucceſſor of William the Firſt. At the ſame time it is a proof in what contempt William Rufus held Edgar Atheling; for had he not greatly deſpiſed, he muſt in reaſon and policy have feared him too much, to have done him this kindneſs. But though he did not fear *him*, he might have been juſtly apprehenſive of future danger to the Normans eſtabliſhed in England, from the crown of Scotland's being worn by a great grandſon of Edmond Ironſide. It is equally ſtrange that he over-looked this objection, and that no king of that family ever claimed the realm of England by his deſcent from Queen Margaret!

Edgar Atheling, having fought with and defeated Donald-Bane, took him priſoner, and ſettled his nephew on the throne. Edmond, the brother of Edgar, who had been an accomplice in the murder of Duncan, was likewiſe impriſoned, and dying not long afterwards, with a ſtrong ſenſe of his guilt, deſired to be buried with his fetters upon him, as a mark that he acknowledged the juſtice of his

See Malmſb. l. v. f. 89. de Hen. I.

puniſhment. From this time till the deceaſe of King Henry the Firſt, Scotland was always in peace and friendſhip with England.

See Eadmer. hiſt. nov.

The great diſregard William Rufus always ſhewed for the pretended rights of the clergy might have hurt him much more than all his violations of civil liberty, if it had not been for one favorable circumſtance; I mean the long ſchiſm between Urban the Second and the antipope Clement; in which he taking no part, neither faction was inclined to diſturb his tranquillity, or make an enemy of ſo potent a king. And, while he delayed to declare himſelf, no pope was, or could be acknowledged by his ſubjects. In this ſtate of uncertainty the nation remained eleven years; William being aware of the advantage he drew from ſuch a ſituation, and too good a politician ever to be forward to eſpouſe any party, either in ſpiritual or civil broils, when the diſpute did not directly and ſtrongly concern his own preſent intereſt or future ſecurity. But Anſelm an Italian, bred up in all the notions of the Roman theology, who had ſucceeded to Lanfranc as archbiſhop of Canterbury, having acknowledged Urban in Normandy, while he was abbot of Bec, thought himſelf equally bound to own him now, as primate of England, and aſked leave of the king to go to Rome, in order to receive his pall from that pope. William conſidered this petition as treaſon againſt the royal dignity, though, in reality, he

Flor. Wigorn.

Eadm. l. i. p. 25, 26, 27. Malmſb. de geſt. pont. Angl. l. i. p. 124.

he had drawn it upon himſelf: for Anſelm before his promotion to Canterbury had fairly notified to him the part he had taken, and that he would adhere to it firmly: notwithſtanding which declaration he had been elected, at the earneſt deſire of the king, and with great reluctance in himſelf to accept of the charge. It is hard to comprehend why this prince was ſo deſirous of raiſing to that ſee a man pre-engaged in a point of ſuch conſequence, while it was for his own intereſt to avoid a deciſion; eſpecially if (as William of Malmſbury affirms) he rather inclined to favor Clement. The preſumption is ſtrong, that (whatever his ſentiments might be at this time) he was diſpoſed, when he promoted Anſelm, to concur with that prelate in acknowledging Urban. He had now altered his mind, and probably with good cauſe; for many great intereſts might make a neutrality deſireable for him, and more ſo at this conjuncture than a little before. But the inflexible character of this mitred monk would not permit him to regard, either reaſon of ſtate, or the duties of his own ſituation, which undoubtedly obliged him to wait for his pall, till the diſpute from whoſe hands he was to receive it had been determined by the royal authority; whereas what he propoſed was in effect deciding that queſtion, by his own private authority, not for himſelf alone, but for his ſovereign and for the whole kingdom. When he was told by the king, that his doing ſuch an act would be contrary to the fealty

which he had ſworn, he tried to diſtinguiſh between that fealty, which extended only to temporal matters, and the ſpiritual obedience due to the pope, which, he thought, was concerned in this point. For in ſome papal decrees the metropolitan juriſdiction and power were ſaid to be conferred by the pall; and others declared it unlawful for any archbiſhop to exerciſe his authority till he had received one from Rome: it being now an eſtabliſhed notion, that all metropolitans were only the *vicars*, or rather *viceroys* of the pope, in their ſeveral provinces; and that the pall was the enſign of their office. This was too lightly given way to by kings, and proved in its conſequences one of the deepeſt arts, by which the policy of the court of Rome ſupported its power. For thus all the greateſt prelates, who might have affected an independence on that ſee, had another object of ambition ſet up, viz. an independence on their own ſovereigns, and an imparted ſhare of the papal dominion over all temporal powers. It was on theſe principles that Anſelm proceeded. They were ſo fixed, both in his head and his heart, that nothing could remove them, or even ſuſpend their effects. But he had a monarch to contend with, who was full as tenacious of his royal prerogatives, as he could be of the maxims or pretenſions of Rome. Their conference, therefore, was very far from convincing either the one or the other. The king urged the laws and cuſtoms of his kingdom; Anſelm

Decret. l. ii. tit 6. c. 4. 28. et tit. 8. c. 3. De Marca de concor. ſacer. et imp. l. vi. c. 6.

anſwered

anſwered him with texts of the goſpel miſapplied. At laſt the diſpute between them was brought to an iſſue, by the archbiſhop's deſiring, that it might be determined by the judgment of parliament, which William agreed to; and a parliament was aſſembled at Rockingham caſtle upon this buſineſs. Anſelm, having ſtated his difficulty to them, aſked their advice, eſpecially that of the biſhops, in whoſe ſentiments he hoped to find a conformity to his own: but even they referred him abſolutely to the will of the king; and let him know, that, if he did not ſubmit to it without any reſerve, he muſt expect no help from them. "Since none of you here (replied the primate) "will adviſe me how to act, unleſs according "to the pleaſure of one man; I will have "recourſe *to the angel of the great council*, "and be directed by him in this affair, which "is indeed his rather than mine." He then repeated the principal texts of ſcripture applied by the church of Rome to the pope, and concluded with this; *Render to Cæſar the things which are Cæſar's, and to God the things which are God's*; declaring, he reſolved to act by that rule; for in all points which belonged to God he would pay obedience to the vicar of Peter; and in thoſe which belonged to the temporal dignity of his lord, the king, he would give him faithful counſel and aſſiſtance to the utmoſt of his power. He had ſcarce concluded his ſpeech, when all the barons who ſat with him roſe up at once, expreſſing, by a confuſed

Ann. Dom. 1097. Eadm. l. i. p. 26, 27, 28.

ſort of outcry againſt him, the utmoſt diſpleaſure and indignation; and then, after declaring to him, that they would not preſume even to report to the king the words he had uttered, they departed from him abruptly, as one whoſe ſociety they feared or abhorred, and went to the king, who was in another room, with ſome of his miniſters. Anſelm, ſeeing this, followed them, and repeated himſelf to that prince what he had ſpoken in their preſence: after which, with great calmneſs, he returned to his ſeat. The biſhops, abbots, and barons continued a good while in council with the king, during which the old man, ſitting alone, fell aſleep. At laſt, the biſhops, accompanied by ſome of the temporal barons, came back to him, and acquainted him in very ſtrong terms, that the whole nation complained of him, becauſe he attempted to take from the king his royal prerogatives, which was, in effect, to deprive him of his crown. They all adviſed him to throw off his obedience to Urban, who could do him no good, if the king was offended againſt him, nor harm, if he was appeaſed; and to wait for his ſovereign's orders in that ſtate of freedom, which, they ſaid, it became an archbiſhop of Canterbury to keep himſelf in, with regard to this diſpute. They added warm exhortations, that he ſhould acknowledge his fault, and try to gain the king's pardon, by an unlimited promiſe of future obedience. But he, who in aſking the opinion of parliament had no other intention, than merely

merely to avail himſelf of their approbation, or at leaſt of that of the biſhops, in ſupport of the part he had determined to take, being diſappointed in this hope, deſired another day, to conſider of his anſwer, which, he told them, he would give, *as God ſhould inſpire him:* yet, even then, he declared an unalterable reſolution not to depart from his obedience to Urban. All his brethren, ſuppoſing that his deſire of delay was owing to uncertainty and irreſolution, adviſed the king not to grant it, but to bring the affair to an immediate concluſion. The biſhop of Durham, (predeceſſor to the infamous Flambard) was the moſt zealous in this counſel, having ſtrong hopes (as ſome contemporary authors affirm) of being promoted to Canterbury, if Anſelm, by his contumacy, ſhould be deprived of that ſee. He likewiſe ſought all occaſions of making court to the king, becauſe, having been deeply engaged in the revolt of the biſhop of Bayeux, and driven out of England on that account, he had, afterwards, received a gracious pardon. William, who perfectly underſtood the advantage of having a biſhop to take the lead in an affair of this nature, on the ſide of the crown, left the management of it to him, and approved his advice, not to grant the requeſt of Anſelm. This prelate therefore returning, with many more of the ſpiritual and temporal lords, informed the archbiſhop, that the king was highly provoked at the offence he had committed againſt his royal dignity, *by making the*

Malmſb. de geſt. pontif. Ang. l. iii. f. 158. Idem. l. i. f. 124, 125. Eadm. hiſt. nov. l. i. p. 28, 29.

the biſhop of Oſtia pope in his kingdom without his permiſſion; and notified to him, that judgment would immediately be paſſed upon him, and the ſentence not a light one, if he did not, without delay, ſubmit to the king, and reinſtate him in thoſe rights, which were the moſt valuable prerogatives of his crown, and which he himſelf, by his oath of fealty, had ſolemnly promiſed to maintain. Anſelm replied, with ſome warmth, that, whoever accuſed him of having violated his oath to the king, becauſe he refuſed to renounce his obedience to the pope, ſhould find him ready to anſwer that charge, *in the name of the Lord, as he ought, and where he ought*; by which he intimated to them, without ſpeaking too plainly, that he acknowledged no other juriſdiction, but that of Rome. They underſtood what he meant, and were ſo deſirous of ſupporting that pretended exemption, in which the whole order was concerned, and ſo afraid of being engaged in a diſpute with the Roman ſee about its juriſdiction, that they ſeemed quite diſconcerted. After they had left him, and returned again to the king, he was much encouraged by a declaration that the people, or *commons*, who attended the parliament, were favorable to him. Nor did the temporal barons, in their ſucceeding conſultations, ſhew any inclination to deal ſeverely with him; but were rather ſtruck with the intrepidity of his behaviour, and wiſhed to bring about an accommodation. The biſhop of Durham alone, more firm than all

all the reſt, as being more intereſted in the ruin of Anſelm, propoſed the depriving him of his archbiſhoprick and baniſhing him out of the realm. But the temporal barons expreſſing their diſapprobation of ſuch a rigorous ſentence, the king was very angry, and ſaid with much paſſion, "If this does not pleaſe you, what "does? As long as I live I will never endure "to have an equal to myſelf in my kingdom. "If you thought that the archbiſhop was ſo "ſtrong in his cauſe, why did you ſuffer me "to engage in this buſineſs? Go, and conſult "what to do; for, by God's face, if you do "not condemn him, according to my pleaſure, "I will condemn you." Thus did this prince, even in ſupporting the lawful rights of his crown, ſpeak and act like a tyrant. He then aſked the biſhops, what their ſentiments were? who anſwered, that being ſuffragans to the archbiſhop of Canterbury they could not be his judges: and it was very true, that *as biſhops alone* they could not, if the other barons would not join with them in the proceeding: but to the judicature of the high court of parliament the archbiſhop undoubtedly was juſt as much ſubject as any other peer. William enquired of them, whether they could not, at leaſt, renounce their epiſcopal obedience to Anſelm, and all fraternal communion with him; declaring, that he was determined not to acknowledge him for his archbiſhop, nor give him the benefit of his royal protection, while he continued in the kingdom. To this they con-

Eadm. hiſt. nov. l. i. p. 30, 31.

conſented; though it was certainly doing a ſtill more unjuſtifiable and violent act than what they had refuſed: for this was in effect to depoſe and outlaw the archbiſhop of Canterbury, without any judgment having been paſſed upon him, otherwiſe than by the arbitrary power of the king. But it did not ſo immediately ſeem to entrench upon the pretended juriſdiction of Rome, as if they had made themſelves his judges in form. Having therefore agreed to comply thus far with the deſire of that prince, or rather having ſubmitted to obey his orders, they went, together with the abbots, and notified it to Anſelm, who coolly told them, *that he would not renounce his paternal care and authority over them and the king; but would uſe them to their reformation.* The temporal barons being alſo required by William to do as the biſhops had done, their anſwer was, that they were no vaſſals to Anſelm, and could not renounce an obedience which they never were bound to: but he was their archbiſhop; and, ſo far as his ſpiritual power extended, they could not withdraw from it, becauſe he had done nothing to forfeit that character. At which the biſhops and the king were alike confounded; and the latter thought fit to let the buſineſs reſt for ſome time, finding the nation inclined to ſupport Anſelm againſt any violence. The common people eſpecially ſeemed to be eager in his favor, partly from zeal for religion, which he had made them believe was concerned in the quarrel, and partly

partly from that compaſſion, which any appearance of being perſecuted by a court is apt to excite in their minds. Indeed he had not yet committed any crime worthy of baniſhment or of depoſition. For it was not neceſſary that he ſhould renounce the engagements he had perſonally taken to Urban, till another pope was owned by William: nor did he violate the laws, ſo long as he abſtained from any public act, which might appear to engage his ſovereign and the nation. His going to Rome to receive his pall from the hands of that pope, before he was acknowledged by the king, would undoubtedly have been criminal: but, as he ſtopt ſhort at the bare deſire, the barons did well to proceed no further than to reprove his intention. Yet, as William had expreſſed ſo much anger againſt him, and even declared that he would withdraw from him his royal protection, while he remained in the kingdom, he took occaſion from thence to aſk his leave to go abroad, and remain out of England, till the ſchiſm ſhould be ended. It ſeemed very hard to deny him this requeſt, as he made it in terms of due reſpect and ſubmiſſion: but though the king would gladly have ſent him away deprived of his ſee, he did not care to truſt him out of England, while he continued archbiſhop of Canterbury; and was afraid of the ſcandal it might cauſe, to have him thus abandon his ſee, and go, as it were, uncondemned into baniſhment. Under this difficulty he conſulted only with the temporal barons:

for

for he was much leſs offended with the direct oppoſition they made to his will, than with the uncertain and wavering conduct of the biſhops; many of whom now ſought for nice diſtinctions, with regard to the declaration they had made of renouncing obedience to Anſelm, as if they had meant only ſuch obedience, as he might pretend was due to him by virtue of any authority derived from Urban, or might demand of them in behalf of that pontiff. The king, who had proceeded at firſt upon the encouragement given by them, ſeeing himſelf now diſgraced in this buſineſs, ſhewed great
Eadm. p. 31. reſentment; and (if we may believe an hiſtorian of thoſe times) they who had uſed theſe evaſions were driven from his preſence, and threatened to be puniſhed as traitors and rebels, till they bought their pardon with large ſums; *which* (ſays that author) *was the only ſure means by which they were accuſtomed to appeaſe his diſpleaſure.* The temporal barons, whoſe advice he now choſe to take, adviſed him rather to ſooth than inflame the archbiſhop, in order to ſtop him from going out of the kingdom; which they were apprehenſive he would venture to do, without leave, if more gentle methods were not tried, in order to prevent it: for they ſaw that his obſtinacy was not to be overcome by any ill uſage, and thought the king had carried a point of great importance, in having perſuaded him to drop, or at leaſt ſuſpend, his firſt intention of taking his pall from Urban. William therefore propoſed to him, that, in hopes

hopes of eſtabliſhing concord between them, a certain time ſhould be fixed for the final determination of their diſpute, and gave him aſſurances, that, during the interval, he ſhould remain in peace and ſecurity, if he would do nothing himſelf to create any diſturbance. To this he conſented, *ſaving the obedience he owed to Pope Urban*, which reſerve he thought it was neceſſary to expreſs in the treaty, leſt his inaction ſhould be deemed a renunciation. But, before the expiration of the truce thus agreed on, the king, who did not intend a peace, grievouſly mortified him, by driving a monk, who was his principal counſellor, and two of his favorite clergymen, out of the kingdom, with other acts of ſeverity, but done by judgment of law, againſt ſome of his neareſt domeſticks and vaſſals. Nor was the vengeance of that prince content with theſe victims; but, to reach Anſelm himſelf, he uſed thoſe arts, which he always had recourſe to, when he met with ſuch difficulties, as he could not ſurmount by open force. For, while he pretended to poſtpone the whole controverſy between himſelf and that prelate, till the next meeting of the great council, which was at ſome diſtance, he diſpatched agents to Rome, with ſecret inſtructions to treat with Urban; offering to acknowledge that pontiff as duly elected, if he would ſend over to *him* the archbiſhop's pall, and let *him* diſpoſe of it as *he* ſhould think proper. Urban was pleaſed with this meſſage, and immediately ſent the pall by

Eadm. p. 32, 33, 34. l. ii.

the biſhop of Albano; who brought it to William, without the knowledge of Anſelm, and promiſed that monarch, in the name of the pope, a full confirmation of all the prerogatives and rights of his crown by the papal authority, if he would acknowledge and obey him as ſovereign pontiff. William, who perceived that his people and clergy were generally diſpoſed in favor of Urban, accepted theſe offers, and having declared his reception of him throughout his dominions, tried to prevail upon the biſhop of Albano, to concur with him, as legate, in the depoſing of Anſelm; offering a great ſum of money to be annually paid, both to that prelate and to Urban, if they would gratify his deſires in this matter. For, though he had now removed the cauſe of his difference with the archbiſhop, he could not forgive his obſtinacy; and was the more angry, becauſe he had been diſhonored in the conteſt. Policy alſo joined with paſſion, to make him deſire, that ſo warm a bigot to Rome ſhould not continue primate of England. But the biſhop convinced him of the impracticability of what he demanded; which could not indeed be expected from that ſee; the election of Anſelm having been ſo canonical, as not to admit a diſpute, and his whole behaviour moſt meritorious, both to the papacy and the pope. There being therefore no hopes of getting him depoſed, the king endeavoured to find ſome means of compounding their quarrel to his own profit. With that view,

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he ſent ſome of his brethren, to ſound him privately, as from themſelves, and learn, whether he would be willing to regain the royal favor *by a preſent of money*, and what he might be prevailed upon to give for that purpoſe. Anſelm nobly anſwered, *that he never would put ſuch an affront on his maſter, as to prove by fact that his friendſhip was to be ſold:* but he added, that if that prince would give it him freely, and let him live in England, with peace and ſecurity, as archbiſhop of Canterbury, under obedience to Urban, he would receive it with thankfulneſs, and ſerve him faithfully, as his lord and his king; if not, he again entreated his permiſſion to withdraw out of the kingdom. Upon which they told him, that Urban had ſent the pall to the king; and that it was reaſonable he ſhould at leaſt pay as much to that prince, as it would have coſt him to have gone in perſon to fetch it from Rome. He was not a little ſurprized at this information: yet though he ſaw by it that the courts of England and Rome were even better agreed than he had wiſhed, and that the latter had not treated him with the regard he deſerved in this affair, he perſevered in refuſing to give the king any money, notwithſtanding the urgent advice of all his brethren; ſo that William, in the end, deſpairing to ſell, conſented to give him the pall. But Anſelm conceived, that to take it from his hands would be a kind of acknowledgment of having received it, not from the papal, but regal authority; and

therefore refuſed it. After ſome altercation upon this delicate ſcruple of conſcience, in which the archbiſhop's zeal for the papacy exceeded that of the pope himſelf, it was ended at length by an expedient of a new and ſingular nature. The pall was laid on the high altar of Canterbury, and Anſelm took it from thence, *as from the hands of St. Peter.*

Eadm. hiſt. nov. l. ii. p. 33. ſect. 20.

All was now quiet between him and his maſter. Many of the nobility had made themſelves interceſſors for him, and, to obtain a reconciliation, had perſuaded him to give his faith to the king, that he would obey and maintain the royal cuſtoms and the laws of the realm. Upon this promiſe, which ſeemed a ſecurity againſt any future diſputes, William received him into favor; but ſoon afterwards,

Idem. l. ii. P. 37.

at his return from a war againſt the Welſh, he complained, that the men, whom the archbiſhop had provided for that expedition, were neither ſo well accoutred, nor ſo fit for the ſervice, as they ought to have been; and ſummoned him to be ready to anſwer that charge, in his court. Anſelm ſaid nothing; but in his own mind he determined not to obey. Accordingly, at the next meeting of the great council, there being ſome talk of bringing on the affair with which he had been charged on the part of the crown, he applied to ſome of the chief nobles, and by them acquainted the king, that being compelled by moſt urgent ne-

neceſſity he deſired his leave to go to Rome. The king, ſurprized at the meſſage, ſent back a denial; ſaying, "He did not believe that the "archbiſhop was guilty of any ſuch heinous "crime, as to be obliged to fetch abſolution "for it from Rome; and that, in the opinion "of all men, he was as able to adviſe the "pope, as the pope to adviſe him." Nevertheleſs that prelate renewed his petition, again and again, though the charge againſt him was dropt. William at laſt grew impatient, and ſent him word, that, if he did go to Rome, he would ſeize his temporalities, and acknowledge him no longer for his archbiſhop: notwithſtanding which he perſiſted, and even declared, *that, if the king would not give him leave, he would take it: for it was better to obey God than man.* The biſhop of Wincheſter told him, that the king and the barons knew him to be obſtinate in all his purpoſes; but they could not believe he would perſiſt in this point of going to Rome, at the expence of loſing his ſee. I will perſiſt, replied the undaunted prelate. Which being reported to William, while he and his barons were conſulting about it, Anſelm thought it proper to enquire of the biſhops, whether they would ſtand by him in this diſpute, or no. After ſome deliberation, they frankly told him, *that they could not come up to his ſublimity*, nor would tranſgreſs againſt the fealty, which they owed to the king. His anſwer was, "Do you then go to *your lord*, "and I will adhere *to God*." Hereupon they Idem, p. 38, 39, 40.

all left him, and ſoon returned with a meſſage from the king to this effect; That, whereas the archbiſhop had broken the promiſe ſolemnly made to him at their reconciliation, by declaring a peremptory and fixed reſolution of going to Rome without his leave, againſt the known cuſtoms and laws of the kingdom, which that prelate had bound himſelf to obey and maintain; leſt this unheard of preſumption ſhould be drawn into a precedent, he now commanded him, either to take an oath, that he would never appeal to the pope in any cauſe, or to depart immediately out of the realm; and even required, that if he did conſent to that oath, he ſhould make him ſatisfaction for the trouble he had given him in this affair. Anſelm ſent no anſwer, but came to the king in his great council, and pleaded there, that, when he had promiſed to obey and maintain his cuſtoms and laws, the engagement extended only to ſuch, as were *rightfully conſtituted* and *according to God*. The king and the barons abſolutely denied, that there had been any mention made of ſuch a diſtinction in that promiſe; to which he anſwered, that it was *underſtood*, if not *expreſſed*; for, if there were in the kingdom any cuſtoms or laws repugnant to juſtice or the divine will, no Chriſtian was obliged to obey or maintain them. And he pronounced that law, which denied him the liberty of going to the pope, to be *neither juſt nor agreeable to the divine will*; declaring *that it ought to be deſpiſed and rejected by every ſervant*

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of God. As for the oath the king required, he ſaid, *to ſwear that, would be to abjure St. Peter and Chriſt.* The final concluſion was, that he would go to Rome; and with this declaration he left the council. But ſome noblemen were ſent after him, to let him know, that, if he went out of the kingdom, the king would not ſuffer him to carry any thing of *his*, along with him. The archbiſhop replied, that he had horſes, cloaths, and other goods, which perhaps the king might ſay were *his*, and if he did not allow him to carry away thoſe, he would go naked and on foot, rather than deſiſt from his purpoſe. Before he departed, he returned to the king, recommended him to God, and gave him his benediction. Then taking the ſcrip and ſtaff of a pilgrim he left the realm. As ſoon as William heard that he had paſſed the ſea, he ordered his goods and revenues to be all brought into the exchequer.

When Anſelm had travelled as far as Lions, he wrote a letter to the pope, in which he ſet forth, how much againſt his own will he had been made archbiſhop of Canterbury, how unfit he found himſelf for it, and how many troubles he had endured in it, without having ever been able to do any good; inſomuch that, out of regard to the peace of his conſcience and ſafety of his ſoul, he would rather chuſe to die abroad, than live any longer in England, ſeeing many evils which he ought not to tolerate and could not correct. He then Eadm. hiſt. nov. l. ii. p. 43.

complained of the king, not only for keeping the vacant ſees too long in his hands, and giving to his ſoldiers the lands of the church, but for exacting from him *grievous ſervices unknown to his predeceſſors*, and overturning *the law of God* and *canonical* and *apoſtolical authority* by his *arbitrary cuſtoms*. The *ſervices* which William exacted, and Anſelm branded, as contrary to the divine law and the canons, were thoſe required of the biſhops in right of their baronies; which, though they had been *unknown* to their Saxon predeceſſors, were now an eſtabliſhed part of the Engliſh conſtitution. And therefore to appeal againſt them to the papal authority was an act of high treaſon, as it ſubjected the legiſlature of England to that authority in a matter of ſtate. William Rufus indeed had extended his demands in ſeveral articles, beyond the bounds aſſigned by the legiſlature: but Anſelm's complaint (as appears by the words of it) was no leſs againſt the military ſervices, enacted by parliament in the foregoing reign, than the illegal exactions of the preſent king: and the foundation of it was a ſuppoſed contrariety to the law of God, not to the law of the land. Having thus mentioned theſe ſervices among the abuſes he deſired to reform, and having acquainted the pope, that, in order to aſk his advice upon the difficulties he found himſelf in, he had applied for the king's permiſſion to go to Rome, but had been refuſed, and had gone, in ſpite of that prohibition; he concluded his letter with

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two requeſts; firſt, that the pope would be pleaſed to releaſe him from his archbiſhoprick, in which, he ſaid, he deſpaired of doing his duty or ſaving his ſoul; ſecondly, that his Holineſs would take care of the church of England, by his own prudence, and by the authority of the apoſtolic ſee.

From the whole turn of this letter, as well as from the character he always maintained, there is reaſon to believe, that he was an honeſt and pious, but narrow-minded man, who acted purely from a miſguided conſcience, according to the divinity then taught in the ſchools, which he underſtood better than either the principles of civil government, or the conſtitution of England. And it grieves one to ſee ſo much ſpirit and reſolution ſo ill employed. But it was one of the greateſt misfortunes attending the corrupted ſtate of religion, in thoſe times and long afterwards, that piety and virtue were drawn away from their natural and proper courſe: ſo that men of the beſt diſpoſitions were often made inſtruments of pernicious deſigns; and the publick was not only deprived of the benefit which it would have derived from their goodneſs, but frequently ſuffered by it, in proportion to the power with which they were armed.

After having made ſome ſtay in France, Anſelm went to Rome, where he was received with very great and extraordinary honors as primate of England, and as the pope's faithful champion and martyr; beſides the regard Eadm. hiſt. nov. l. ii. p. 48, 49, 50, 51, 52.

paid to him on account of his learning. Rome was indeed the proper place of abode for one of his character; and he was ſo ſenſible himſelf of his unfitneſs for the world, ſo weary of England, and ſo deſirous of enjoying a monaſtick retreat, that he again moſt earneſtly begged of the pope, to give him leave to reſign his archbiſhoprick, as a burthen that was too heavy for him to bear. His Holineſs would not conſent to diſmiſs from his ſervice ſo approved and uſeful a ſervant: but ordered him to attend at the council of Bari, which was ready to aſſemble, and promiſed him there a full redreſs of all grievances, as well with relation to the church, as to himſelf. The council, in fact, was ſo offended at the conduct of William, that he would have been excommunicated by it, if the archbiſhop himſelf had not fallen on his knees before the pope, and interceded with him for a delay of the ſentence. On that pontiff's return to Rome, a miniſter came to him there, with an anſwer to letters he had ſent to the king of England ſome time before, requiring him to reſtore the archbiſhop's goods, which he had ſeized. The anſwer was only, that he was aſtoniſhed at ſuch a demand from his Holineſs; as he had done nothing but what he was by law impowered to do, upon that prelate's having preſumed to go out of his kingdom without his leave. The pope aſked whether the king accuſed the archbiſhop of any other offence? and being told he did not, he

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ſaid it was a ſtrange and unheard of proceeding, that a primate ſhould be thus deſpoiled of his goods, becauſe he would not omit to viſit that church which was the mother of all churches; and expreſſing his wonder, that William ſhould ſend a miniſter to him, with no better a juſtification of what he had done, bid him return, and let his maſter know, that, if he did not make a full reſtitution of all he had taken from Anſelm before the next Eaſter, a ſentence of excommunication would be then paſſed againſt him, in a council which was appointed to be held at that time in the city of Rome. The envoy begged of his Holineſs, that, before he departed, he might be admitted to a ſecret conference; which being granted, he found means to obtain for his maſter a further delay, till the Michaelmas following; before which the pope died; and Anſelm remained in exile, with only the name of archbiſhop of Canterbury, till the death of the king; which happened, however, within leſs than a year after that of Urban. So well did William Rufus maintain thoſe prerogatives, which were the great barriers ſet up in this kingdom againſt the encreaſing ambition of the ſee of Rome, and which Henry the Second confirmed by the conſtitutions of Clarendon! But the conteſt was eaſier, in the beginning of the papal encroachments upon the rights of the Engliſh crown, than when they had gained that ſtrength and authority,

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which, to the ſhame of human reaſon, they ſoon acquired.

A very fortunate incident in favor of William was the deſign formed by Urban, of uniting all Chriſtendom in that marvellous league, called the *Holy War*, or *Cruſade*, for the recovery of Jeruſalem and the tomb of our Saviour out of the hands of Mahometans; a deſign, which obliged the projector to raiſe no diſturbances in the dominions of any Chriſtian prince, and of too much uſe to the papacy to be then interrupted by any other object. Nor was the quiet he gained by it the only advantage this able monarch drew from it. He had too much ſenſe, or, perhaps, too little devotion, to engage in it himſelf: but his brother Robert going into it with ardor, and wanting more money, to enable him to bear ſo great an expence, than his own exhauſted exchequer could ſupply, William agreed to furniſh him with ten thouſand marks, equivalent to a hundred thouſand pounds in theſe days, by the help of a tax, or benevolence, illegally raiſed upon his Engliſh ſubjects; and in pledge for the repayment of it got full poſſeſſion of the dutchy of Normandy, great part of which, either by intrigues, or by force, he had taken from his brother before this event.

Sim. Dunelm. Ord. Vit. l. ix. p. 724. ſub ann. 1096.

The ſhare the clergy bore of this tax was ſo heavy upon them, or they were ſo unwilling to bear it, that the biſhops and abbots came to court, in order to make their complaints and beg ſome relief, declaring it was im-

impoſſible for them to pay it, without ruining their farmers, already impoveriſhed by former exactions, and abſolutely driving them out of the kingdom. The king's miniſters aſked, whether they had no caſkets of ſilver or of gold, full of the bones of dead men; (meaning the relicks of ſaints preſerved in their churches) and with that queſtion diſmiſſed them. Upon which, moſt of the plate and valuable ornaments of the churches were ſold, in order to raiſe this ſupply. The king thought himſelf happy to obtain by ſuch means the poſſeſſion of Normandy, hoping that Robert would never return from the Eaſt, but either die, or ſettle there, and leave him the dutchy. This acquiſition, inſtead of contenting his inſatiable ambition, opened to him greater views. Abbot Suger, firſt miniſter to Louis le Gros, ſays, it was commonly reported in France, that William aſpired to ſecure to himſelf the eventual ſucceſſion to the crown of that kingdom, in caſe that Louis, who had then no iſſue, and was thought not likely to live, ſhould die before his father king Philip; the two ſons of that monarch by Bertrade of Anjou being regarded as ſpurious. And from Suger's expreſſions it is plain that he himſelf believed this report. He adds, that after William had violently agitated himſelf and his people, for three years together, in purſuing this hope, he gave it up, finding both nations equally averſe to him in it: "Becauſe (ſays that author) it "is not agreeable to nature or reaſon, that "either

V. Suger in Vit. Ludov. Groſſi Regis, c. i.

"either the Engliſh ſhould be ſubject to the "French, or the French to the Engliſh." But fortune, as if to comfort him for this diſappointment, preſented to him immediately another great object.

V. Malmſb. l. iv. de Wil. II. f. 71. Huntingdon. ſub ann. 1100.

William the Eighth, duke of Aquitaine, who went to the holy war four years after Robert, and wanted money no leſs than he, treated with William Rufus to obtain a ſupply upon the ſame conditions, that is, by mortgaging his dutchy to him. The agreement was made; and the king would have been ſoon in poſſeſſion of Aquitaine, as well as of Normandy, if, in the midſt of his projects, and in the height of his glory, while his heart was dilated with the greateſt exceſs of arrogance and preſumption, a ſudden and violent death had not deprived him of all his dominions, and laid him on the earth an example to mankind of the vanity of ambition.

V. authores citatos ut ſuprà; et S. Dunelm. et Flor. Wigorn. ſub eodem anno.

It is not certainly known by what means he died. The received opinion is, that as he was hunting in the new foreſt with Sir Walter Tyrrel, a French knight of Pontoiſe, whom he had lately entertained in his court, an arrow ſhot at a deer by that gentleman ſtruck him in the breaſt, and pierced his heart. But Eadmer, a contemporary writer, informs us, it was the more general belief of thoſe times, that he accidentally ſtumbled, with an arrow in his hand, and falling upon it, drove the point through

V. Eadmer. hiſt. nov. p. 54. l. ii.

through his own breaſt. We are alſo told by Abbot Suger, that he had often heard Sir Walter Tyrrel affirm with the moſt ſolemn oaths, at a time when he had nothing to hope or fear on this account, that he did not come all that day into the part of the foreſt where the king hunted, or ſee him there. And John of Saliſbury, comparing the death of Julian the Apoſtate with that of this monarch, ſays it was equally doubtful, at the time when he wrote, by whom either of them was killed. Perhaps the arrow that ſlew William Rufus was neither his own, nor Tyrrel's; but came from the hand of ſome other perſon unknown, who was inſtigated to aim it at the breaſt of the king by private revenge for a private wrong. The reputation of his ſucceſſor, I think, is too good to admit a ſuſpicion, which might otherwiſe be conceived, that he knew better than the public how his brother was ſlain.

V. Suger in vit. Lud. Groſſi Regis, c. 1.

V. Joan. Sariſb. par. ii. de vita Anſelm arch. Cantuar. c. xii.

As Tyrrel was much in favor with William Rufus, he could not have any perſonal malice againſt him; nor do I find it intimated by any hiſtorian, that he ever received any advantage from his death: and therefore, if he was really the perſon who killed him, one can hardly imagine that it was by deſign. His flight indeed may ſeem to fix the deed upon him; nor does his perſeverance in denying it afterwards amount to a proof of his not having done it; becauſe he might think, with good reaſon, that

that it could never be prudent or even ſafe to confeſs it in any ſituation. If he could have ſhewn, by any other teſtimony than his own word, that he was in another part of the foreſt during the whole time of the king's being there, he would have been under no neceſſity of quitting the kingdom: but, as it might be difficult to make that appear, the mere apprehenſion of being brought into trouble and danger about it might occaſion his flight. It ſeems evident that the king had no other attendants at the time when he received the fatal wound; for, otherwiſe, the means by which he received it could not have been doubtful. The wood of the arrow was broken down to the place where it entered the fleſh, probably by his own hand in endeavouring to draw it out; but the iron point remained deeply fixed in his breaſt. Some colliers, who happened then to paſs through the foreſt, ſaw the corpſe of their dead ſovereign, and put it, ſtill bleeding, into a cart they had with them, which brought it to Wincheſter, where it was haſtily buried, without any royal pomp, or even a decent attendance, on the following day.

The character of this king has been too much depreciated by many hiſtorians. It was, no doubt, very faulty; yet, notwithſtanding all his faults, he was a great man. In magnanimity, the firſt of royal virtues, no prince ever excelled him, and few have equalled.

For

For proof of this I ſhall here relate ſome particular facts, which I could not ſo properly mention in giving a general view of this reign. While he was beſieging Mont St. Michel, a fortreſs in Normandy, which was held againſt him by Henry, his younger brother, a ſmall party of horſe belonging to the garriſon approached near his camp; at the ſight of which being tranſported by the ardor of his courage, he furiouſly advanced before his own troops, and charged into the midſt of them. His horſe was killed under him, and the ſoldier, who had diſmounted him, not knowing who he was, dragged him by the foot on the ground, and was going to ſlay him, if he had not ſtopt the blow, by ſaying to him, with a tone of command, not ſupplication, *Raſcal, lift me up: I am the king of England.* At theſe words, all the ſoldiers of Prince Henry, his brother, were ſtruck with awe, and reverently raiſing him up from the earth brought him another horſe. By this time his own forces were come to his ſuccour in ſuch numbers, that the little band of the enemy could make no reſiſtance, much leſs carry off the king as their priſoner. That prince, ſeeing this, vaulted into the ſaddle, and caſting his eyes, which ſparkled with fire, all round about him, aſked, who it was that unhorſed him? For ſome time all were ſilent: but, at laſt, he who did it anſwered, *It was I, who did not ſuppoſe you to be a king, but an ordinary knight.* *By the face of our Lord,* replied William with a ſmile,

V. Malmſb. l. iv. de W. II. f. 68.

a ſmile, *thou ſhalt henceforth be my ſoldier, and receive from me the recompenſe thy valour deſerves* But the anſwer he made to a bravado of the earl of la Fleſche is a ſtill nobler inſtance of his magnanimity. That lord, his competitor for the earldom of Maine, being taken priſoner by him, and received with an inſult, ſaid, with a ſpirit ſuperior to fortune, *An accident has made me your captive; but could I recover my liberty I know what I ſhould do.— You know what you ſhould do!* replied the king. *Begone; I give you leave to do your utmoſt; and I ſwear to you, that if you overcome me hereafter, I will aſk no return from you for having thus ſet you free.* With theſe words he diſmiſſed him: an action of heroiſm that would have done honor to Cæſar, *whoſe ſoul* (ſays one of the beſt of our ancient hiſtorians) *ſeems to have tranſmigrated into this monarch!* He likewiſe acted and ſpoke in the ſpirit of that Roman, when, from his ardor to relieve the city of Mans, beſieged by the earl of la Fleſche, he paſſed the ſea in a violent tempeſt, ſaying to the ſailors who warned him of the danger, *that he never had heard of any king having been drowned.* Nor did he leſs reſemble Cæſar in liberality, than in courage, and greatneſs of mind. He gave without meaſure, but never without choice; diſtinguiſhing merit, and fixing it in his ſervice by means of his bounty; that merit eſpecially which was the moſt neceſſary to ſupport his ambition, eminent valour and military talents. In the magnificence of his court

See Malmſb. de Will. II. l. iv. f. 67, 69, 70.

Malmſb. f. 70. ibidem.

Suger in vita Lud. Groſſi.

Malmſb. l. iv. f. 69.

court and buildings he greatly exceeded any king of that age. But, though his profuſeneſs aroſe from a noble and generous nature, it muſt be accounted rather a vice than a virtue; as, in order to ſupply the unbounded extent of it, he was very rapacious. If he had lived long, his expences would have undone him: for he had not, as Cæſar had, the treaſures of the world to ſupport his extravagance; and it had brought him ſome years before his death into ſuch difficulties, that, even if his temper had not been deſpotick, his neceſſities would have made him a tyrant.

His ſoul was all fire, perpetually in action, undaunted with danger, unwearied with application, purſuing pleaſure with as much ardour as buſineſs, but never ſacrificing buſineſs to pleaſure; addicted to women, yet without any tenderneſs or fixed attachment, rather from a ſpirit of debauchery than from the paſſion of love. He had many *concubines*, but no *miſtreſs*; and never would marry, for fear of ſubjecting himſelf to any reſtraint. Ord. Vit. p. 763. l. x. Gul. Neubrigenſ. p. 358. ſub ann. 1087.

Nevertheleſs, the vivacity of his temper and the quickneſs of his parts were ballanced by the ſolidity and the ſtrength of his judgment: ſo that, although he was very eager in all his purſuits, he directed them with great prudence, excelling ſtill more in policy than in arms. He had not indeed any tincture of learning; but he had ſtudied mankind, and knew them well, under all diſguiſes; covering himſelf with a deep diſſimulation where it Malmſb. l. iv. de Gul. II. f. 67, 69, 70. Ord. Vit. p. 680.

was neceſſary, and the more dangerous in it from an appearance of openneſs, heat, and paſſion; imperious and abſolute, ſo as to endure no contradiction or ſtop to his will, when he had power enough to enforce obedience, but pliant and ſoothing, when he wanted that power: in publick maintaining his majeſty, not only with ſtate, but with pride; yet in private, among his friends, and thoſe whom he admitted to a familiarity with him, eaſy, good-humoured, and often more witty than is proper for a king.

His perſon was diſagreeable, and his elocution ungraceful: notwithſtanding which imperfections he carried all points he had at heart, more by the arts of inſinuation and addreſs than by force.

Conſidering how much he owed to the clergy in obtaining his crown, it is no little proof of uncommon abilities, that he wore it without any dependence upon them, and entirely ſubjected their power to his own. But not content to govern the church, he tyrannized over it, as he did over the ſtate. Nor would he conſtrain himſelf to that outward ſhew of reverence for eccleſiaſticks, which his father had always paid to them, even while he oppreſſed them: and this was certainly one principal cauſe, why the monks, who have tranſmitted his character to us, accuſe him ſo heavily of being irreligious.

That

That all the ſtrange ſtories, related by thoſe Hiſtorians, of his open impiety, are ſtrictly true, it is hard to believe; becauſe one would imagine that his good ſenſe alone muſt have taught him ſome reſpect for the forms of religion, in an age, which demanded *that*, and demanded *no more*. Yet, though the charge may have been aggravated, it was not wholly groundleſs. His mind was too penetrating not to ſee the depravity of what was then called religion, and his heart was too corrupt to ſeek for a better. We are told indeed, that, in a dangerous fit of ſickneſs, he expreſſed remorſe for the offences of his paſt life, and promiſed amendment; which ſhews at leaſt that he had in him no ſettled principle of abſolute infidelity: but he had not any ſuch ſteady ſentiments of faith or piety, as could be a reſtraint on his paſſions. So that the impreſſions made in his illneſs were ſoon obliterated by the return of his health. There was alſo a levity and petulance in his wit, which often gave his converſation an air of profaneneſs beyond what he ſeriouſly thought or meant. He paid ſo little reſpect to the oaths he had taken, that he ſeemed to conſider them as mere forms of ſtate, or arts which policy might employ, and diſpenſe with, at pleaſure. All his vices were publick, and he did infinitely more harm by the bad example he gave, and the indulgence he ſhewed to the enormities of others, than by his own. He not only tolerated, but encouraged in his court,

See Eadmer. hiſt. nov. l. ii. p. 47, 48. See Malmſb. f. 69. de Will. II.

See Hunting. f. 216. l. vii. Neubrigenſis. Malmſb. f. 69, 70, 71. l. iv.

and (what was yet worſe) in his army, the moſt unbridled profligacy of manners; relaxing all diſcipline, civil or military; and hardly puniſhing any crimes, but rebellions and treaſons againſt himſelf, or the breach of the foreſt laws, which had been made by his father, and of which he had ſolemnly promiſed a remiſſion to his ſubjects. Theſe he enforced with a cruel rigour; but other offences were either winked at, or the offender bought off the puniſhment. So that the miſery of England was compleat in this reign: for the nation was now a prey to licentiouſneſs, as much as to tyranny, ſuffering at once the diſorders of anarchy and the oppreſſions of arbitrary power. The army of William the Firſt had been under the curb of a ſtrict diſcipline; but that of William Rufus, like a wild beaſt unchained, was let looſe to infeſt his peaceful ſubjects. The young nobility were bred up in debauchery; luxurious, effeminate, and guilty even of luſts which nature abhors; deſpiſers of order, law, morality, and no leſs proud of their vices than of their birth. But happily the life of this prince was too ſhort to extend the corruption to the body of the people; and therefore the commonwealth recovered again, when the ſucceeding monarch applied to it ſuch remedies of wholeſome ſeverity, as the diſtempers contracted by it required.

A. D. 1100. Hen. I. At the death of William Rufus, his brother Duke Robert was in Apulia, upon his return from

from Jeruſalem, in the conqueſt of which he had done very great actions, and gained a reputation for valour and conduct, equal, if not ſuperior, to that of any of the princes aſſociated with him. But that he was offered the kingdom of Paleſtine and refuſed to accept it, as William of Malmſbury and ſome others have pretended, I very much doubt: for no mention is made of it by any of the writers who were then preſent there, or by William archbiſhop of Tyre, the beſt informed of all thoſe who afterwards treated that ſubject. In the account the latter gives of Godfrey's election, he ſays indeed, that moſt of the nobles inclined to chuſe the earl of Toulouſe; but takes no notice of Robert, as having been thought of in competition with Godfrey; which he would not have omitted, had there been any foundation for ſuch a report. As this prince was returning home, he ſtopt in Apulia, and married there Sibylla, the daughter of the earl of Converſana, a Norman nobleman of the family of the brave Robert Guiſcard. She was the moſt celebrated beauty in Europe, and brought him for her portion a great ſum of money, with which he propoſed to redeem his dutchy of Normandy, mortgaged to William Rufus. But in the mean time that king was ſlain, and Henry, his youngeſt brother, being preſent in England, aſpired to the crown. This prince had received in his youth ſuch a tincture of learning, that he got the name of *Beauclerc*, a title very extraordinary for any lay-

See Malmſb. f. 86. l. iv. See Petri Tudebodi hiſt. de Hieroſol. itin. l. v. et Pulcherii Carnot. hiſt. Hieroſol. l. i. ſub ann. 1099. Gul. Tyrius de bell. ſacr. l. ix. c. 2.

Malmſb. f. 86. l. iv.

Malmſb. l. v. f. 87, 88. Ord. Vit. l. viii. p. 665, 672, 689, 690, 691, 697.

lay-man, but much more for the ſon of a great king, to obtain, in that ignorant age. This was no mean endowment, and he made a good uſe of it: but he had others ſtill more valuable, great natural ſtrength and ſoundneſs of mind, a cool head, a firm heart, activity, ſteadineſs, knowledge of buſineſs, of war, and of mankind. After the death of his father he had been very ill treated by both his brothers: for Robert had taken from him, without aſking his conſent, and while he was abſent on the ſervice of that prince himſelf, a large ſum of money, which, with the lands that had belonged to his mother in England, was his whole portion; and had applied it to pay ſome mercenaries, hired againſt William Rufus: but, afterwards, when he had made his peace with that king, Henry obtained of him, by way of compenſation, a third part of Normandy; that is (I ſuppoſe) a feudal grant thereof, under homage and fealty; not as a diſtinct and ſeparate ſtate. This having ended their quarrel, Henry went into England, to ſollicit William Rufus for his mother's lands. The king received him with kindneſs; and made him fair promiſes; but yet he did not give him the eſtate he demanded, having diſpoſed of it to one of his favorite barons. Nevertheleſs the duke of Normandy conceived ſo much jealouſy of Henry's having intrigued with that prince to his prejudice, that, upon his return into Normandy, he ſhut him up in the caſtle of Rouen, and kept him there half a year:

See Ingulph. ſub ann. 1087. Malmſb. l. v. f. 87, 88.

Vid. authores citatos ut ſupra.

a year: after which being ſet free, he returned into England, upon an invitation from William, but could not obtain the eſtate he claimed: ſo that being diſguſted with him no leſs than with Robert, he went back into Normandy, and truſting to neither, reſolved to do himſelf right. With this intention, and by the help of ſome friends, he poſſeſſed himſelf of Avranches and ſeveral other towns, which were part of the mortgage aſſigned to him before. But Robert, having diſcovered a conſpiracy formed by ſome of the Normans, to deliver the city of Rouen, and his perſon itſelf, into the hands of William Rufus, had recourſe to Henry, and aſked his aſſiſtance againſt the perfidy of their brother. That prince might have been juſtified in rejecting his ſuit; but he granted it frankly, with a noble forgiveneſs of all his former injuries; and ſerved him ſo well, that having defeated the rebels, he took the chief of them priſoner, and, without further proceſs, threw him down headlong, from one of the windows of the high tower of Rouen, with his own hands; ſaying, that mercy was to be ſhewn to fair enemies, but that a vaſſal guilty of treaſon ought to be put to death, without being allowed a moment's reſpite. Whatever juſtice there might be in this act, it would have been much better executed by other hands, and by due courſe of law; but he was apprehenſive, that, if any time ſhould be given to the traitor, it would be employed to procure a pardon from Robert, who by the exceſs of his lenity per-

petually endangered himſelf and his ſubjects. One ſhould have ſuppoſed that ſuch a ſervice, ſo generouſly performed, would have ſecured him from any hoſtilities on the part of the duke of Normandy. But the ſentiments of that prince were in the power of his favorites, by whoſe advice he ſoon afterwards joined with William Rufus, to make war upon Henry, and ſtrip him of all that he poſſeſſed in the dutchy. Henry ſtood a ſiege in the ſtrong fort of Mont St. Michael; but after a brave reſiſtance, which raiſed his reputation, he was obliged to ſurrender it, upon no better conditions, than ſafety and freedom to himſelf and his garriſon, which were willingly granted. It is ſaid, that during the ſiege, being in great want of water, he ſent to Robert, and told him, it was impious in his own brothers, to deprive him of a benefit common to all mankind; and that they ought to endeavour to overcome him by valour, not by means which could do them no honor. Upon this meſſage, the duke permitted him to take the water he wanted, which William reproaching him for, as a weak and ill-timed conceſſion, *How am I to blame?* anſwered he; *ſhould I have ſuffered our brother to die of thirſt? what other have we, if we had loſt him?* Words that were much celebrated at that time in the world, as ſhewing an excellent nature. But William derided his eaſineſs, as proceeding from folly, rather than from goodneſs. Indeed it was not to be thought, that Henry would have obſti-

Vid. authores citatos ut ſupra.

nately

nately periſhed by thirſt, rather than ſurrender the fort to his brothers: and therefore Robert, by this indulgence, only protracted the ſiege, and gave him the means of capitulating on better terms.

Being now deprived of all his poſſeſſions, the perſecuted prince took refuge in Bretagne, and then in the French Vexin: where having remained about a year he again thought it neceſſary to change his abode, and wandered over the provinces of France, with only one knight, a chaplain, and three ſquires, attending upon him, expoſed to all the hardſhips of want, and learning in adverſity patience and fortitude, virtues which he could not ſo perfectly have acquired, if he had been always nurſed up in the favors of fortune. But while he was oppreſſed by his brothers, and reduced to a ſtate ſo much below his birth and merit, the citizens of Dumfront, incenſed againſt their lord, Robert de Beleſme, earl of Shrewſbury, who had moſt grievouſly tyrannized over them, and convinced that they ſhould obtain no redreſs from Duke Robert, did themſelves juſtice, expelled the earl, and offered their town, one of the ſtrongeſt in Normandy, to the exiled prince. He accepted their offer, and, with the aſſiſtance they gave him, made for ſome time a ſucceſsful war againſt both his brothers, who then had agreed to ſhare the dutchy between them: but when the duke took the croſs, a reconciliation enſued between William and Henry, the former conſenting to confirm

Ord. Vital. l. viii. p. 698, 706.

to

to the latter all that he had gained. After this they went to England; moſt fortunately for Henry; who being in another part of the foreſt when his brother was killed, as ſoon as the news was brought to him, loſt not a moment; but taking advantage of Robert's abſence laid claim to the crown, and going directly to the caſtle of Wincheſter, where the *regalia* were kept, demanded the keys. William de Breteuil, to whoſe cuſtody the late king had entruſted the caſtle and royal treaſure, ſtoutly reſiſted him, told him that Robert was his elder brother, reminded him of the homage they both had done to that prince, and ſaid, that they ought to preſerve their fidelity to him, abſent as well as preſent; eſpecially when his abſence was occaſioned by his zeal for the ſervice of God. The diſpute growing warm, and many of the barons and people gathering round them, Henry drew his ſword; whereupon all the chief counſellors of the late king, particularly the two earls of Meulant and Warwick, men of the greateſt authority in the nation, interpoſed, and prevailed on William de Breteuil to ſubmit. Having carried this point, and ſeen his brother's corpſe interred, which was done the next day, Henry haſtened to London, where he was elected king of England by the great council, and was crowned in Weſtminſter Abbey, on the following Sunday, being the fifth day of Auguſt, in the year of our Lord eleven hundred.

Ord. Vit. l. x, p. 782, 783. Malmſb. l. v. f. 88. Huntingd. ſub ann. 1100.

A. D. 1100.

The

The ſudden and eaſy conſent of the Normans and Engliſh to this revolution, by which Duke Robert was again ſet aſide from the throne of this kingdom, and at a time when the great honor he had gained in the holy war was freſh in the minds of men, appears ſomewhat ſurprizing. As the death of William Rufus was an event quite unexpected, Henry had not thought of forming any faction. The treaſure left by his brother could not go far in purchaſing friends for him, as that king was too profuſe to have much in ſtore: nor is it ſaid by any writer who lived in thoſe times that he owed his election to bribes. But it was a great advantage to him, that thoſe who had been warmeſt in ſupporting William Rufus againſt Robert in England had reaſon to apprehend the reſentment of the latter; which muſt have rendered them unwilling to truſt him with power; and the manner in which he had governed the dutchy of Normandy afforded a ſtrong preſumption of his unfitneſs to govern England. Henry had ſhewn great talents for government; and ſome ſtreſs was laid on the circumſtance of his having been born in England, after his father was king. Yet he ſaw that the ſureſt method to conciliate to himſelf the favor of the nation, would be the holding out to them ſuch national benefits as ſhould make his intereſt that of the public. Their ſubmiſſion under the tyranny of the two firſt Norman kings had been owing to circumſtances of a tranſient nature, not to any rooted

V. Malmſb. l. i. f. 87.

and

and permanent cauſe. They ſtill retained a paſſion for liberty natural alike to the Normans and Engliſh. In the preſent conjuncture, their mutual diſtruſt and fear of each other, which had been the principal reaſon that hindered their uniting in defence of their privileges, gave way to a ſtrong and equal deſire in both, of reducing the royal authority to ſuch limitations, as, without deſtroying the feudal ſyſtem eſtabliſhed in England by William the Firſt, from which the Norman nobility could not be inclined at this time to depart, might alleviate the heavy burthens with which it was loaded, and put an end to that deſpotiſm, which was no leſs inſupportable to the great Norman lords, than to the inferior gentry and commons of England. So ſtrong was this deſire, that neither the *elderſhip* of the duke of Normandy, which, though it did not, in thoſe days, convey an *abſolute right* to the crown, was yet a *powerful recommendation*, nor a ſolemn treaty made with him, and confirmed by the barons, which had ſettled the crown upon him, if William ſhould die without a ſon, nor his meritorious and honorable ſhare in the conqueſt of Paleſtine, could ſtand in competition with the offer of Henry, to aboliſh all the evil cuſtoms that had prevailed in the late reign, and to eſtabliſh in the realm the beſt laws, that had ever been given, under any of the kings, his predeceſſors. This, together with the reaſons aſſigned before, raiſed this prince to the throne, in prejudice to his brother, whoſe legal

See Flor. Wigorn. ſub ann. 1091.

Chron. Sax. ſub ann. 1100. Matth. Paris. ſub eodem ann, p. 38.

legal title to it could not be diſputed. For, whatever right of *election* might be in the parliament, that right was barred by the abovementioned treaty. But in vain did a few Normans, more regardful of juſtice and of good faith than the reſt, or more attached by their own intereſt to the party of Robert, ſtrongly proteſt againſt this act. The nation reſolved to give the crown to a prince, who ſhould acquire and hold it under no other claim than a *compact* with his people: and though it would be difficult to juſtify their proceeding, either in conſcience, or law, their policy may perhaps be accounted not unwiſe; as it made the title of the king become ſecurity for the liberty of the ſubject. To give that liberty a more ſolid and laſting eſtabliſhment, they demanded a *charter*; which Henry granted ſoon after his coronation, as he had ſworn to do before he was crowned. By this he reſtored the Saxon laws which were in uſe under Edward the Confeſſor, but with ſuch alterations, or (as he ſtyled them) *emendations, as had been made in them by his father with the advice of his parliament*; at the ſame time annulling *all evil cuſtoms and illegal exactions, by which the realm had been unjuſtly oppreſſed*. Some of thoſe grievances were ſpecified in the charter, and the redreſs of them was there expreſly enacted. It alſo contained very conſiderable mitigations of thoſe feudal rights, claimed by the king over his tenants, and by them over theirs, which either were the moſt burthenſome in their

Ord. Vit. et Matt. Paris ſub ann. 1100.

Haguſtald. p. 310, 311.

See the charter in the Appendix.

their own nature, or had been made ſo by an abuſive extenſion. In ſhort, all the liberty, that could well be conſiſtent with the ſafety and intereſt of the lord in his fief, was allowed to the vaſſal by this charter, and the profits due to the former were ſettled according to a determined and moderate rule of law. To uſe the words of one of our greateſt antiquaries, Sir Henry Spelman, *It was the original of King John's Magna Charta, containing moſt of the articles of it, either particularly expreſſed, or in general, under the confirmation it gives to the laws of Edward the Confeſſor.* So miſtaken are they, who have ſuppoſed that all the privileges granted in *Magna Charta* were *innovations* extorted by the arms of rebels from King John! a notion which ſeems to have been firſt taken up, not ſo much out of ignorance, as from a baſe motive of adulation to ſome of our princes in latter times, who, endeavouring to graſp at abſolute power, were deſirous of any pretence to conſider theſe laws, which ſtood in their way, as violent encroachments made by the barons on the ancient rights of the crown: whereas they were in reality reſtitutions and ſanctions of ancient rights enjoyed by the nobility and people of England in former reigns; or limitations of powers which the king had illegally and arbitrarily ſtretched beyond their due bounds. In ſome reſpects this charter of Henry the Firſt was more advantageous to liberty, than *Magna Charta* itſelf.

See Spelman's gloſſary under the words Magna Charta.

Nor

Nor was it only the ſovereign and his ſubjects, who were thus linked together by this great bond of mutual obligation. From the obtaining of this charter muſt be dated the union of the Normans with the Engliſh, whoſe intereſts blended in it were for the future inſeparably joined under one common claim of national rights. But no laws or privileges can make a people free, if the adminiſtration and ſpirit of government be not in general ſuitable to them. The conduct of Henry entirely correſponded with his engagements. He took off from his ſubjects all the burthens that had been illegally impoſed upon them; he remitted all the debts that were due to the crown; and (what was more popular ſtill) he puniſhed all thoſe who had made themſelves odious by an abuſe of their power, particularly Ralph Flambard, juſticiary of England, and biſhop of Durham; the moſt acceptable ſacrifice he could make to the publick reſentment. At the ſame time that he impriſoned this prelate by the advice of his parliament, he recalled Anſelm, and ſet him at the head of his miniſtry. This was an act very agreeable, not only to Rome and the clergy, whom it was neceſſary for him to court at that time, but to the whole Engliſh nation, whoſe favor Anſelm had gained by having loſt that of William, and who were then in a temper which inclined them to think, that whoever had ſuffered under the reign of that prince had ſuffered *for them*. Yet though Henry was willing to comply with their

Haguſtald. p. 310, 311. Ord. Vit. l. x. ſub ann. 1100. Chron. Sax. Malmſb. Eadmer. ſub eodem anno. See alſo epiſt. Paſchalis in Eadmero, p. 63. l. iii.

their humour in this particular, he was far from intending to purchaſe the archbiſhop's friendſhip by giving up the rights of his crown, which the intemperate zeal of that prelate had diſputed. For he knew how to diſtinguiſh between thoſe abuſes, which the clergy had juſtly complained of, under the government of his brother, and the due exerciſe of the royal authority: the former he redreſſed, by filling immediately, and without ſuſpicion of ſimony, the ſeveral ſees that were vacant at his acceſſion to the crown, as well as by freeing the church from all arbitrary and oppreſſive exactions: but the latter he aſſerted, on many occaſions, with great ſpirit and firmneſs, and was conſtantly ſupported in it by his parliament, with the concurrence of the Engliſh biſhops themſelves.

See Maitland's hiſt. of Lond. l. i. p. 29, 30.

To conciliate the affections of the city of London, he gave them a charter, confirming to them the benefits granted by his father, with ſome very conſiderable additional favors. It was indeed ſo advantageous, that we need no better proof, how great the importance of that city then was, and how neceſſary he thought it to ſecure all the ſtrength and influence of it to his own party. He crowned the whole by marrying Matilda, daughter of Malcolm the Third, king of Scotland, by the ſiſter of Edgar Atheling; of which lady ſome account has been given before: a match that reſtored the crown of this kingdom to the Saxon royal blood, and united the king and his family after him to the people of England, by the

Vid. authores citat. ut ſupra.

the moſt natural and pleaſing tie, without which the coalition of the two nations muſt have been always imperfect.

Yet, though this able prince had thus taken all methods that wiſdom could dictate, to keep himſelf firm in the throne he had aſcended, he was ſoon in great danger of being expelled from it, by the defection of moſt of the Norman barons in England, upon the return of his brother from the Eaſt. As no reaſon appears why they ſhould more diſtruſt his ſincerity, in the promiſes he had made and confirmed to them by a charter, or ſet leſs value on them now, than they had done when they unanimouſly gave him the crown; eſpecially as his government had hitherto anſwered all they could reaſonably expect or deſire; it is not eaſy to account for this ſudden revolt. The moſt probable cauſe of it appears to be this: When they choſe him king of England, they hoped he would be able to make himſelf maſter of Normandy too, before Duke Robert ſhould reſume his authority there: but that prince unexpectedly coming back within a month after Henry was crowned, and being received in that dutchy without the leaſt oppoſition, thoſe hopes were defeated; the conſequence of which was, that the Normans in England, who had fiefs under him, apprehending the loſs of them for what they had done againſt him, began to repent of their conduct, and, being all men of great power, had influence enough over

Ord. Vital. Sax. Chron. Eadmer. et Malmſb. ſub ann. 1101.

moſt of their countrymen, to prevail upon them alſo to take part with Robert. But the Engliſh, attached to Henry, by his marriage with a princeſs of their own nation, as well as by his charter, and having no eſtates to forfeit abroad, adhered to him firmly; and the whole clergy were fixed to his ſide by the mediation of Anſelm. That prelate, whoſe affections he had thoroughly gained, by recalling him from his exile, and promiſing to govern the church by his counſels, ſerved him with a zeal that overlooked all objections, and bore down all oppoſition. Many barons, who had left him, were brought back again; the wavering were ſtopt; and the moſt determined adherents of Robert were intimidated by the reſolution of the Engliſh, a great army of whom ſupported Henry in this quarrel, and braved the duke at the head of his Normans: while the archbiſhop of Canterbury employed his ſpiritual arms, and denounced the heavieſt cenſures of the church againſt any, who ſhould continue to oppoſe a king in whoſe title he ſaw no defect; either not being ſo ſcrupulous in civil affairs, as he was where the intereſts of the church were concerned, or rather believing that a warm regard for thoſe intereſts ought to be the only rule of his proceedings. Eadmer affirms, that the fear of excommunication greatly affected Duke Robert, and that he conſented to treat with his brother chiefly on this account. But whether he yielded to Anſelm's threats, or whether the love of eaſe and pleaſure, which

Eadm. hiſt. nov. Ord. Vit. Sax. Chron. Huntingdon. et Malmſb. ſub ann. 1101.

now

now poſſeſſed his whole mind, made him deſirous of peace on any conditions, certain it is that he did nothing worthy of his former courage and reputation, but yielded the crown, which he came over to claim, without fighting a battle. All he obtained in recompence for it was a moderate annual penſion (which he gave up the next year to Henry's queen) and the towns which that king was poſſeſſed of in Normandy, except only Dumfront, which Henry would not relinquiſh, alledging that he had given his word to the citizens, never to part with it, nor ſuffer their laws to be changed. The ſame ſtipulation was renewed in this treaty, as had been made in the former between Robert and William, that, if either he or his brother ſhould die without leaving a lawful heir, the ſurvivor ſhould have a right of ſucceſſion to all the dominions of both; and this convention was ſworn to, as the former had been, by twelve of the principal barons of each party. Archbiſhop Anſelm alſo engaged himſelf as ſurety for Henry, that he ſhould govern according to his charter, which was indeed his beſt title, and better than any hereditary right in a prince who does not ſo govern. It was farther agreed, between the two princes, that all honors and lands, confiſcated either in England or Normandy on account of this war, ſhould be reciprocally reſtored to their former poſſeſſors; which eaſed the nobles here, who had fiefs under Robert, from that apprehenſion of being deprived of

them for their adherence to Henry, which had been the great cauſe of their unprovoked revolt. Thus advantageouſly did this king ſecure to himſelf the crown he had gained; and not long afterwards, feeling his ſtrength, he ventured to proſecute, and puniſh by fines, confiſcations, or baniſhments, all the moſt active and powerful abettors of Robert's invaſion. But he did it at different times, and under the colour of other offences, that he might not appear to infringe the indemnity he had granted. Yet it was well underſtood; and the terror it gave deterred all his ſubjects from conſpiring any more in behalf of his brother, who, from the weakneſs of his conduct in this attempt, and the ſubſequent ruin of his friends, became deſpicable to the whole nation. Moſt of the barons ſo puniſhed were of the firſt rank in power and wealth, whoſe vaſt eſtates Henry divided among ſeveral perſons, of lower birth, but good parts, who had ſhewn themſelves zealouſly attached to his ſervice, and by raiſing whom he balanced the greatneſs of the nobility eſtabliſhed by his father, which was an object of jealouſy to the crown. He obſerved the ſame policy in his whole government, depreſſing thoſe who were dangerouſly powerful as much as he could, and advancing his own creatures at their expence: yet he did it ſo artfully, as to avoid any acts, which they could make the foundation of a publick complaint, with the law on their ſide; and againſt their ſecret reſentments

Ord. Vit. l. xi. from p. 804. to p. 809. Malmſbury.

See R. Haguſtald. de geſt. reg. Steph. p. 509. ſub ann. 1135.

ments the friendſhip of the commons, which he particularly courted, kept him always ſecure.

Another great ſupport of his government was the ſtrict care with which he adminiſtred juſtice to his people. He made war upon vice, and thought the ſubduing of it within his realm, as far as the fear of puniſhment can ſubdue it, the nobleſt triumph a king could ever obtain. But it was not only vice that he had to contend with. Even the virtues of a bigot are ſometimes as dangerous to the peace of a kingdom as the moſt profligate crimes. This Henry experienced in the conduct of Anſelm. That prelate, whoſe religion was ever at variance with his civil duties, had, during his exile, aſſiſted in a council held at Rome, by which all lay inveſtitures were ſtrictly forbidden, and excommunication was denounced againſt thoſe who ſhould either give, or receive them, or conſecrate any to whom they had been given; and, to complete the independence of the church on the ſtate, the ſame ſentence was likewiſe extended to all churchmen who ſhould do homage to princes, *becauſe* (as the pope declared in that council) *it was a moſt execrable thing, that thoſe hands which had received ſuch eminent power, above what had been granted to the angels themſelves, as by their miniſtry to create God the creator of all, and offer up the ſame God, before the face of God the father, for the redemption and ſalvation of the whole world, ſhould deſcend to ſuch ignominy,*

Malmſb. l. v. de Hen. I. f. 89. ſect. 50.

Eadm. hiſt. nov. l. ii. p. 53.

miny, as to be put, in ſign of ſubjection, into the hands of princes, which were daily and nightly polluted with obſcenity, rapine, and blood. Upon the ſtrength of this reaſon and the decree of the council, which had no better foundation, the pious archbiſhop, when recalled by king Henry, refuſed to do him homage. This incident not a little embaraſſed that prince. Anſelm was then very neceſſary to him, and a quarrel between them might have been very dangerous, while his power in England was new, and not fully ſettled. On the other hand, he was ſenſible, that the right of the crown in this point was of too much importance to be relinquiſhed. His father and his brother had firmly maintained it againſt Gregory the Seventh and his ſucceſſors hitherto, nor had any of their biſhops denied it before. Even Anſelm himſelf ſubmitted to it without the leaſt oppoſition, when he was promoted to Canterbury in the late reign; ſo that Henry, when he recalled him, had no apprehenſion of this diſpute, and it now came upon him at a very improper ſeaſon. Under this difficulty he condeſcended ſo far, as to apply to the pope for an acknowledgment of the rights of his crown; or rather he tried to gain time: for he was not ignorant what anſwer he was to expect. In return to his embaſſy Paſchal the Second ſent him a long epiſtle, in which to many other ſtrange arguments and moſt impertinent applications of Scripture he added this, "That it was a monſtrous thing for a "ſon

Malmſb. de geſt. pont. Ang. l. i. f. 114. § 2c.

Eadm.

Id. p. 59, 60, 61.

" ſon to beget his father, or for a man to " make his God:" now prieſts in Scripture are called fathers and gods, and therefore kings, who are but men and their ſons, cannot give them inveſtitures. Such was the divinity and ſuch the logick of Rome in thoſe days! But Henry, not being convinced by this reaſoning, commanded Anſelm either to pay him homage, and conſecrate thoſe who had lately received inveſtitures from him, or leave the kingdom. He alſo wrote to the pope that " he would " give him thoſe honors and that obedience, " which in his father's time had been given to " former popes, upon no other condition, " than that the dignities, cuſtoms, and uſages, " which in their time had been enjoyed by " his father in England, ſhould be preſerved " unviolated to him. Be it known to your " Holineſs (ſaid this wiſe monarch) that, " while I live, I will ſuffer none of them to " be diminiſhed: and ſhould I ſo much debaſe " myſelf (which far be it from me to do) *yet* " *my nobility and the whole people of England* " *will by no means endure it.*" The pope replied, that he would not yield to the king in this matter to ſave his life, and that *by the judgment of the Holy Ghoſt* he had forbidden all inveſtitures by princes. After muuh diſpute, during the courſe of which Anſelm had been obliged to go to Rome, and forbidden to return any more into England, unleſs he would comply with the cuſtoms of the kingdom; ſome of the king's miniſters having been excommu-

Brompton chron. p. 999.

Eadm. p. 63.

Idem, from p. 69 to 91.

nicated, and he himſelf threatened with the like ſentence, at a time when it would have probably done him great hurt in his temporal affairs; he was compelled to give up inveſtitures; and the pope ſubmitted to allow him homage from his biſhops and abbots.

S. Dunelm. Flor. Wigorn. Malmſb. de geſt. R. A.

This accommodation was, doubtleſs, derogatory to the royal prerogative, and the right of patronage in the crown, of which inveſtitures were the ſymbol. For, though the king had only yielded in a matter of form, which he poſſibly might think uneſſential, the clergy argued from thence to the ſubſtance. Yet this was rather felt by his ſucceſſors than by him. And after the death of Paſchal, Calixtus the Second, being much preſſed by a ſchiſm, and wanting the protection of Henry againſt it, was perſuaded to grant him a general confirmation of all the prerogatives his father had enjoyed in England and Normandy; and particularly of a right which had been lately conteſted with a good deal of warmth, viz. that of receiving no legates without their having been expreſsly deſired by himſelf.

Eadm. l. v. p. 125, 126. S. Dunelm. p. 241. Hoveden. annal. p. 1. f. 272. c. 40.

This ſeemed a great victory obtained over Rome: but he had been prevailed upon, before Paſchal died, to ſuffer a point of ſtill more importance to the papal authority to be carried in England, which his agreement with Calixtus did not ſet aſide, and which certainly his prudence ſhould have reſiſted. He did not enough conſider, how much the deſign of detaching the clergy from any dependence upon their own ſovereign,

Malmſb. de geſt. pont. Ang. l. i. f. 129, 130.

ſovereign, and from all ties to their country, was promoted by forcing them to a life of celibacy, but concurred with the ſee of Rome, and with Anſelm, its miniſter, in impoſing that yoke upon the Engliſh church, which till then had always refuſed it. Indeed he leſſened the evil in his own times, by ſelling diſpenſations to ſuch of his clergy as were willing to pay for the liberty of keeping their wives, and ſo converted this pretended reformation of manners into a profitable fund of wealth for himſelf: but ſtill the canons exacting the celibacy of prieſts received the ſanction of the royal authority, and were, after much reluctance, carried into execution. He was alſo prevailed upon to ſuffer a legate *a latere*, the cardinal of Crema, to preſide in a council held at London upon this and other matters, in derogation to the metropolitan rights of the archbiſhop of Canterbury; thereby confirming that dangerous and degrading ſubjection to the biſhop of Rome, which his father had brought upon the church of England. Another hurtfull innovation was alſo introduced, towards the end of this reign; an oath of direct *allegiance* to the pope being impoſed on Rodulphus, archbiſhop of Canterbury, by which he ſwore to aſſiſt that pontiff and his ſucceſſors, in defending the Roman papacy and *the royalties of St. Peter* againſt all men; and promiſed to them an unreſerved obedience and *fealty*, without even excepting that duty, which he owed to the king. Indeed it was acknowledging the pope

Huntingdon. Eadmer. Hoveden.

See concil. M. Brit. t. i. p. 408. Gervaſe act. pont. Cantu. col. 1663.

Sir R. Twiſden's hiſtor. vindication, chap. iii. n. 50.

Odoric Raynald. Ann. eccleſ. Stillingfleet againſt Creſſy, upon the penal laws againſt Papiſts,

pope for his ſovereign. But, as this oath (which was afterwards extended to all prelates) was then only taken by archbiſhops at the time of receiving their palls, Henry might not be appriſed of the true nature of it, or know of its having been adminiſtered to Rodulphus: for, otherwiſe, it is probable he would have oppoſed it as much as the kings of Sicily and Poland, who ſtrongly declared againſt it in their dominions. I have brought together all theſe matters, that I might ſhew, in one view, how the great controverſy between the crown and the church was carried on, in this reign, and ſhall now proceed to relate the moſt important and intereſting of the civil tranſactions.

p. 364, 365. et ſeq.

Pontifical. Roman. p. 86. to 97. Antw. 1627. and Burnet's hiſt. of the reformation, p. 123. vol. i. Baronius ann. 1102. Muratori, tom. iii. p. i. p. 366.

Robert, duke of Normandy, in all his conduct, was the reverſe of his brother. He exhauſted the whole wealth of that opulent dutchy in laviſh bounties and grants, rather to impudence than merit, and not only gave his greedy courtiers and paraſites all they aſked, but allowed them to take, both from himſelf and his people, whatſoever they pleaſed. He ſo eaſily pardoned even the worſt offenders, that under his government the guilty were always ſafe, the innocent never. His indolent life, perpetually immerſed in ſloth or riot, the factions his weakneſs encouraged, and the continual depredations of rebels and free-booters, who, not fearing the prince, deſpiſed the law, obliged many of his nobles, and

Order. Vital. l. xi. p. 814, 815. Malmſb. l. v. f. 86, 88, 89. G. Neubrig. l. i. c. 3.

the body of his clergy, to aſk the protection of the king of England. This, in effect, was giving that prince the dutchy: for ſuch is the uſual courſe of things: the country, that has put itſelf under the protection of a powerful monarch, will ſoon be under his dominion. Robert indeed was become unfit to govern: yet it ſeemed hard and unnatural, that his own younger brother, to whom he before had ceded the crown of England, ſhould now deprive him of the government of Normandy alſo, upon any pretence whatſoever. Henry himſelf could not do it without feeling ſome compunction. But he had a ſermon of a Norman biſhop, and the exhortations of the pope, to quiet his ſcruples: nor did he find any difficulty in obtaining the concurrence of his Engliſh parliament: the moſt powerful barons being always deſirous, for their own private intereſts, to unite the two countries under the ſame maſter. The remembrance how ill he had been uſed by the duke in former times, the impriſonment, the exile, the indignities, he had ſuffered, might alſo ſteel his heart againſt any ſentiments of affection or compaſſion towards that prince. Following therefore the dictates of his ambition, and colouring them with zeal for the good of the Normans, eſpecially of the church, he fought a battle at Tinchebraye, in which he defeated the duke, and took him priſoner. This revolution happened in the year eleven hundred and ſix. Robert was carried a captive into England;

England; where he remained in confinement ſeven and twenty years, having, before this misfortune, loſt all the reputation he had gained in the eaſt, and proved that neither the moſt heroic valour, nor the beſt heart, can ſave from ruin a prince, who pardons every thing and refuſes nothing. Henry made his impriſonment as eaſy to him as poſſible, furniſhing him with an elegant table and buffoons to divert him; pleaſures which for ſome years he had preferred to all the duties of ſovereign power.

Ord. Vit. l. ii. p. 823. Malmſb. l. v. f. 87.

The people of Normandy were infinitely benefited by the change of their maſter. The new duke, with the concurrence of the Norman legiſlature, confirmed his father's laws, reſumed all the extravagant grants of his brother, which had brought the ſtate into want, and promiſed to ſuppreſs, in all orders and degrees of his ſubjects, that rapine and violence, which the relaxation of the reins of government in the hands of Robert had produced. Theſe engagements were punctually and honorably fulfilled. The higheſt rank could not protect, nor could any ſupplications or intereſt ſave, the principal authors of the former outrages and diſturbances in that dutchy. The very dread of Henry's juſtice, upon the firſt news of his victory at Tinchebraye, drove many of them to ſeek a refuge in exile, from which they never returned; and ſome, whom he had made his priſoners in that action, he confined for their lives, though, to purchaſe

Ord. Vit. l. xi. p. 821, 822.

Malmſb. l. v. f. 88, 89. Ord. Vit. l. xi. p. 821, 822, 823, 841.

purchaſe their freedom, great ſums were offered to him, by their families, or their friends: for, notwithſtanding the bent of his nature to avarice, he had too much underſtanding to barter away the authority of his government and the ſafety of his people. But he ſhewed more compaſſion to the unfortunate Edgar Atheling, who was alſo his captive at Tinchebraye, and had particular reaſons to apprehend his reſentment. It ſeems, indeed, very wonderful, that this prince ſhould have fought, in behalf of Robert, againſt Henry, who had married his niece, and lived in the moſt friendly alliance with his nephew, the king of Scotland. But there was in his character a certain ſympathy with that of the duke, which made them fond of each other; and he appears, at all times, to have acted more from the impulſe of inclination or humour, than from the dictates of judgment. After he had reſtored his nephew to the throne by the arms of William Rufus, he departed from Scotland, and went to the holy war, at the head of an army of twenty thouſand men, who had been collected together, from that kingdom or the iſles adjacent thereunto, and had taken the croſs ſomewhat later than the others inliſted in that ſervice. Being received with his troops into Laodicea, he held the city in the name of Duke Robert, till it was given up to its natural ſovereign the Greek emperor, in order to procure for the Norman prince and his friends a ſafe return into Europe.

Malmſb. l. iii. f. 58. Ord. Vit. l. x. p. 778, 779.

After

After their departure, he went from thence, at the head of his forces, into the Holy land, where without any great reputation (for hiſtory takes no notice of his actions) he ſerved king Baldwin the Firſt in ſome of his wars againſt the Egyptians and Turks. All we know is, that, having loſt the whole army, he had led into Paleſtine, he returned to England, and in his journey thither was received with peculiar kindneſs, by the emperors of Greece and of Germany, who, out of compaſſion for the abject ſtate of his fortune, and regard to his royal blood, offered to give him an honorable eſtabliſhment in their courts, which nothing, it ſeems, but a paſſionate love to his country, made him reject: for he might have certainly lived with more dignity in any other part of the world, than where his anceſtors had been kings, and he, who inherited all their rights, was a ſubject. Yet, fond as he was of England, he had not long enjoyed the pleaſure of his return to that iſland, before ſome diſguſt, which he conceived againſt Henry, or his great affection for Robert, drew him from thence to the court of that unhappy prince, in whoſe calamity he was now involved. Henry, with mixed ſentiments of pity and ſcorn, and from tenderneſs to his queen, who interceded for her uncle, permitted him to return in freedom to his country, where he grew old and died in an obſcure retirement, being, from the meanneſs of his ſpirit, become as contemptible, as he once had been dear to the Engliſh.

Chron. Sax. p. 214. ſub ann. 1106.

Malmſb. f. 58. l. iii. de Will. I.

liſh. He never married, nor do I find that he left any natural child, but he had the ſatiſfaction of ſeeing his neareſt relations ſeated on the thrones of England and of Scotland, over which countries their poſterity have reigned to this day. Eadmer. l. iii. p. 88. Chron. Sax.

That King Henry might be enabled to acquire and retain the dutchy of Normandy, his Engliſh ſubjects were loaded with continual taxes, almoſt beyond what they could bear, and much beyond what they would have borne, if the great intereſt of his nobles to keep that dutchy annexed to this kingdom had not engaged them to give him a ſtrong ſupport. He had moreover the art of accompanying and tempering demands of this nature, with kind words, very flattering to the pride of the nation, and with gracious and popular acts. Thus, while the people were oppreſſed with the burthens impoſed upon them for the maintenance of his Norman war, he ſoftened their ſenſe of them by reſtraining the abuſe of purveyance, which had been inſupportably great in his brother's reign; many of thoſe, who attended the court in it's journeys, not only taking the neceſſary proviſions, which the tenants, who held the demeſne lands of the crown, were required to furniſh, but committing great waſte and even inſulting their hoſts with riots and outrages. To put a ſtop to this grievance, a law was made by this king, which fixed the quantity they ſhould take, and the price they ſhould pay for what they took; and inflicted Eadm. p. 94. Malmſb. l. v. p. 91.

rigorous

rigorous penalties, in ſome caſes death itſelf, on any future offenders. By theſe marks of a paternal regard and affection, as well as by the juſtice he did the commons againſt their lords, whenever they applied to him for relief or redreſs, he turned the complaints of the ſeverity uſed in collecting the taxes, from himſelf on his miniſters, by whom they were raiſed, and who ſuppoſed that his avarice would ſecretly approve their iniquitous conduct, if they could but find a pretence to make it ſeem legal, which the yet unſettled limits of the royal prerogative, and the arbitrary practice of the court of exchequer rendered not very difficult. But, as the general courſe of his government was popular at home and glorious abroad, theſe faults, which his prudence moderated, and his policy veiled, were not ever productive of any conſiderable diſcontent in the people. From the ſecond year of his reign, in which he expelled the moſt turbulent of his barons, Robert de Beleſme earl of Shrewſbury, out of his realm, even to the day of his death, that is, for the ſpace of above thirty-three years, there was no revolt, nor the leaſt commotion in England: a length of tranquillity ſcarce to be paralleled in the hiſtory of this kingdom, and more extraordinary then, conſidering how very factious, and prone to ſedition, the temper of the barons appeared to be, in the beginning of this, and through all the following reign!

See Eadmer. p. 83.

See Ord. Vit. l. xi. p. 808.

But

But he did not enjoy an equal calm abroad. Such, in thoſe days, was the internal ſtate of France, from the greatneſs of the fiefs into which it was parcelled out, that the ſovereign and ſome of his vaſſals were ever at variance, or the vaſſals with each other; and their diſputes were decided, not by the laws, but the ſword. The king of England, as duke of Normandy, was often engaged in theſe broils, but to the diſquiet they cauſed was added another far more dangerous quarrel, ariſing from the ſupport given by ſeveral French princes, and by the king of France himſelf, to the pretenſions of Wiliam Clito, called alſo William Longſword, the only ſon of Duke Robert.

Ord. Vital. Malmſb. l. v. f. 90 Suger in Vit. Lud. Groſſi.

That prince, after his father's defeat and captivity, being then an infant, was delivered to Henry, his uncle; who not only treated him with all poſſible kindneſs, but, fearing, that if any ill accident ſhould befall him, it might draw upon himſelf an odious ſuſpicion, committed the charge of him to Helie de St. Saen, a man of the higheſt reputation for honor and virtue, and known to be devotedly attached to Robert, who had given him his natural daughter in marriage. Yet, about two years afterwards, he thought it neceſſary, upon ſome information received, or from mere apprehenſions of danger to his government by his nephew's being longer out of his power, to ſend Robert de Beauchamp, with a party of horſe, to bring him away from the caſtle of

Ord. Vit. l. xi. p. 821.

Ord. Vit. l. xi. p. 837, 838. ſub ann. 1098.

St. Saen. Helie himſelf was then abſent: but ſome of his family taking the alarm, they bore off the young prince out of his bed in the night, and conveyed him ſafely to their lord, who carried him to the courts of Guienne, Burgundy, Bretagne, and France, raiſing compaſſion and kindneſs in the breaſts of all thoſe princes to whom they went, while he formed a party for him, by more ſecret intrigues, among the Norman barons. He alſo procured him the valuable friendſhip of Fulk the Fifth, earl of Anjou, one of the braveſt and moſt prudent men of that age, who having territories that bordered upon the dutchy of Normandy could ſtrongly ſupport a faction there.

The Angevin family had been long very powerful and illuſtrious. As their poſterity, in a continued ſucceſſion from the reign of Henry the Second down to the preſent, have been kings of England; and as, with their hiſtory, many circumſtances of importance to ours, antecedent to that reign, are intermixed, it will be proper to mark out the chief events, by which their greatneſs in the court and kingdom of France was eſtabliſhed and maintained.

Hugo de Cleriis. Pere Daniel, Hiſtoire de la milice Françoiſe, tom. i. l. viii. p. 164.

In the reign of Louis the Fifth, the laſt king of the race of Charlemagne, Geoffry furnamed Griſegonelle, earl of Anjou, obtained, by his ſignal merit to the ſtate, the office of

of grand Seneſchal, which at that time comprehending all the functions and powers both of great maſter of the houſhold and conſtable of the kingdom, was the moſt eminent dignity next to that of duke of France, poſſeſſed by Hugh Capet, who ſoon afterwards gained the throne. It continued from that time an hereditary fief in the ſucceſſors of this earl, till the reign of Lewis le Gros, who gave it to his favorite, Anſeau de Garlande; but Fulk the Fifth, earl of Anjou, reſenting this injury, when Lewis had need of his ſervice, an agreement enſued, which confirmed the office to Fulk, and to his poſterity after him, as his anceſtors had enjoyed it.

Another great augmentation of the power of this family was the conqueſt of Touraine, which Geoffry, ſurnamed Martel, grandſon to Geoffry Griſegonelle, made in the year one thouſand and thirty ſeven, from the earl of Chartres and Blois, who was then in rebellion againſt his ſovereign, and being defeated and taken in battle by this prince, to purchaſe his liberty, gave up that province for ever to the Angevin family; the king of France, as ſupreme Lord, confirming the ceſſion. The father of Geoffry, Fulk the Third, had reſigned to him his dominions, intending to end his life at Jeruſalem; which city he had viſited ſo often before, as to have got the name of *le Palmier*, from the branches of palms he brought back: a mode of devotion very prevalent at that time, and which, in the following cen-

Malmſb. l. iii. f. 54, 55. G. Pictav. geſt. Gul. Ducis, 182, 183. Mezerai. Pere Daniel.

Malmſb. ut ſupra.

tury, produced the cruſades. But, before he was ready to ſet out on his pilgrimage, he found that his ſon uſed the power, he had given him, ill, and, therefore, out of regard both to his ſubjects and to him, reſumed the gift. Geoffry took up arms, to maintain his poſſeſſion; but the party of the old earl was ſo ſuperior to his, that he was ſoon forced to ſue for peace, and is ſaid to have done it in a very extraordinary manner. For, by way of penance and humiliation (as the laws of chivalry then required) he carried his ſaddle ſome miles upon his own back, and thus accoutred threw himſelf at the feet of his father, who ſcornfully ſpurning him ſaid two or three times, *You are conquered at laſt.* To which he replied, *I am conquered indeed by you; becauſe you are my father: but with regard to all other mortals I am unconquered.* The ſpirit of this anſwer ſo pleaſed the old man, that, raiſing him up, he reinſtated him in the government of the earldom, though not without adviſing him to make, for the future, a more moderate uſe of his power. But it ſoon appeared that moderation was not in his nature. After the acquiſition of Tours he formed other enterpriſes againſt the peace of his neighbours, and would in all probability have extended his dominions by further conqueſts, if he had not been ſtopt by the valour and good conduct of William the Baſtard, then duke of Normandy and afterwards king of England. That prince, in the bloom of youth, recovered from him ſome towns on the

Malmſb. ibidem.

the borders of Normandy, repelled all his attacks, and braved him with a ſpirit as intrepid as his, as fierce, and as haughty, but directed by a ſounder and ſteadier judgment. Being thus checked in his progreſs, and full of reſentment, he entered into a league with almoſt all the great vaſſals of the French crown, and with Henry the Firſt, their king, at the head of them, to cruſh the victorious duke, who was become an object of jealouſy and terror to them all. But, the confederates having divided their forces, and one half of their army being defeated by the Normans, the king made his own peace at the expence of the earl, who, thus abandoned, was unable to prevent the duke of Normandy from acquiring Maine.

Gul. Pictav. geſt. Gul. Ducis, from p. 184 to 190. Ord. Vit. l. iii. p. 487, 488. et l. iv. p 532. Malmſb. l. iii. de Will. I. f. 55, 56.

Fulk, the late earl of Anjou, had, by a baſe act of treachery, compelled Herbert earl of Maine, the firſt of that name, to hold his earldom as a fief dependent upon Anjou; having invited him to his town of Xaintes in Xaintonge under colour of a treaty, and impriſoned him there, till he yielded to his demands. But Hugh, the ſon of Herbert, having ſtrengthened himſelf by a marriage with Bertha, ſiſter to Thibaut earl of Chartres and Blois, and dowager dutcheſs of Bretagne, refuſed to acknowledge this extorted dominion: upon which he was attacked by Geoffry Martel, and driven out of the earldom, which Geoffry ſeized, as forfeited to him by the rebellion of his vaſſal.

After the death of Hugh, Herbert the Second, his ſon, finding himſelf not a match for the power of Anjou, by the advice of his mother applied to the duke of Normandy, who had ſome pretenſions to Maine; and did homage to him for it, as ſuperior lord of the fief. William promiſed hereupon to give him one of his daughters, whom he afterwards offered to Harold: but, before ſhe was marriageable, the young man died, and bequeathed his earldom to the duke, telling his barons, when he notified to them the ſettlement he had made in favor of this prince, that they would find his government very gentle, if they ſubmitted themſelves willingly to it, but very ſevere, if they obliged him to extort their conſent by force.

Thus did William moſt fortunately acquire a province, of which, before, he could only pretend to the feudal ſuperiority, and which, as lying contiguous to the dutchy of Normandy, he much deſired to poſſeſs. Yet it coſt him no ſmall trouble to maintain that poſſeſſion: for the earl of Mante and Pontoiſe, who had married Biota, ſiſter to Hugh earl of Maine, claimed the inheritance in her right, and was favored by a party of the nobility of Maine, who delivered up to him the town of Mans, with the help of Geoffry Martel, under whom he bound himſelf to hold it in fief. Ordericus Vitalis affirms, that the duke of Normandy was unable to recover this city, till both the earl and Biota died, with a grievous ſuſ-

Pict. geſt. G. D. p. 189. Ord. Vit. l. iii. p. 487. et l. iv. p. 534.

ſuſpicion of poiſon, in his own town of Falaiſe, where he had made them his gueſts: a crime, which, if it were juſtly imputed to that prince, would fix a moſt horrid ſtain on his character: but it is confirmed by the teſtimony of no other hiſtorian; and William of Poictou, a contemporary writer, ſays in his hiſtory, that the earl allowed his friends to yield up Mans, for fear of loſing, in the conteſt, his other dominions; which, placing his death after the time when the town was recovered by the duke, abſolutely contradicts the other account. Nor ſhould we readily ſuppoſe that a perſon ſo brave and magnanimous would take ſuch infamous methods to deſtroy his antagoniſts. It is certain that he never was entirely maſter of Maine till the death of Geoffry Martel, who died in the year one thouſand and ſixty one, fortunately for him in many reſpects; for, if that prince, his perpetual and implacable enemy, had lived but five years more, the apprehenſions of leaving the dutchy of Normandy expoſed to danger on that ſide, would have probably hindered him from daring to proſecute his deſign upon England. But it pleaſed divine Providence to remove this great obſtacle, as it alſo did many others, out of his way.

See Pict. p. 190.

Geoffry, dying without iſſue, bequeathed his dominions to another of the ſame name, his ſiſter's ſon: but, he being wholly given up to devotion, and unqualified to govern a turbulent ſtate, was depoſed by his brother

Ord. Vit. P. 532, 533. l. iv.

Fulk, the fourth earl of that name. With him the duke of Normandy, after he had acquired the dominion of England, had a ſharp war, on account of the earldom of Maine, in maintaining which he was faithfully and bravely ſerved by the Engliſh, a great army of whom he carried over to France, and employed them to fight his battles for him in that kingdom, which they did more ſucceſsfully than they had defended their own country againſt him at home. By their valour he regained the city of Mans, which had been yielded to Fulk: but the latter being ſupported by a conſiderable aid from Bretagne, a peace was concluded upon the ſame conditions, as had been ſettled before, between his brother, and the king; namely, that the king's eldeſt ſon, Robert, ſhould receive the inveſtiture of the earldom of Maine, doing homage for it to Fulk as his ſuperior lord. The foundation of this agreement was a marriage contracted, but which the lady did not live to conſummate, between Robert and Margaret, ſecond ſiſter to Herbert the Second, earl of Maine; and it afterwards became one cauſe of diſſenſion between Robert and his father: for that monarch was no more inclined to give up the government of this earldom, than of the dutchy of Normandy, during his own life; ſaying, *that he would not undreſs himſelf before he went to bed.* But *this was dreſſing himſelf in the robes of his ſon:* for it was to Robert, not him, that the inveſtiture of Maine had been granted

Flor. Wigorn. St. Dunelm. Ord. Vital. l. iv. ſub ann. 1073. Malmſb. de Wil. I. l. iii. §. 59. ſect. 30.

granted by the late treaties with Anjou; though he ſeems to have conſidered them only as expedients to poſſeſs himſelf of the earldom under the name of his ſon, founding his claim to it on the will of Herbert the Second. Immediately after his deceaſe, the people of Maine, averſe to the yoke of the Normans, ſent into Italy to the two ſons of Azzo earl of Liguria, who had married the eldeſt ſiſter of their laſt earl, offering their allegiance to either of the brothers that would come and receive it. The younger, named Hugo, undertook the adventure, truſting, it ſeems, to the enmity which at that time ſubſiſted between Robert and William Rufus. But after their reconciliation, being a man of no courage and of very mean talents, he ſold the earldom, which he thought he could not defend, to his couſin, Helie de la Fleſche, who was ſon to the third ſiſter of Herbert the Second. The change was very agreeable to the people of Maine, by whom Helie was exceedingly beloved and eſteemed; and it was confirmed very willingly by Fulk earl of Anjou, under homage to whom this prince deſired to hold the acquiſition he had made, as his predeceſſor had done. He ſupported himſelf in it without any difficulty, ſo long as Robert continued to be maſter of Normandy: but when that dutchy was delivered to William Rufus, he found in him a competitor, whom neither his own power, nor that of Anjou itſelf, could well reſiſt. He therefore offered, as a means of avoid-

Ord. Vit. l. viii. ſub ann. 1090.

Idem, p. 532. l. iv.

Ord. Vit. l. x. p. 769. avoiding a war, to try his right to the earldom in the court of his ſovereign, the king of France, according to the laws of the land, which the duke of Normandy was bound, as much as he, to reſpect. William anſwered, *that he would plead againſt him with ſwords and lances.* And when it was urged by the earl, that having taken the croſs (which he had done juſt before) he was under the protection of Chriſt and the church, William, who regarded neither religion nor law againſt his own intereſts, and was not afraid of the pope, very coolly replied, "that he might go to the holy war "as ſoon as ever he pleaſed; and, for his own "part, it was not his deſire to moleſt him, or "any other perſon engaged in that ſervice:" but added, "that he would adviſe him, before "he ſet out, to repair the fortifications of the "city of Mans; being fully determined him-"ſelf to viſit it ſoon, at the head of a hun-"dred thouſand men." This ſtopt the earl; and, as the king was embarraſſed with many other affairs, he enjoyed a longer quiet than

Ord. Vit. l. x. ſub ann. 1098. he expected: but, about two years afterwards, he had the misfortune to fall into an ambuſh, laid for him by Robert de Beleſme, earl of Shrewſbury, whom William employed as his general in thoſe parts; and, being taken priſoner, was confined in the caſtle of Rouen. The earl of Anjou, as ſoon as he heard of his vaſſal's captivity, went with an army into Maine, and, as lord of the country, undertook the defence of it againſt the king of England, who,

who now attacked it in perſon. The earl maintained it with great valour, and for ſome time with ſucceſs; but, finding at laſt his forces too unequal to thoſe of his enemy, he made peace with William, by yielding to him Maine free of homage to Anjou, on condition that all priſoners ſhould be reſtored on both ſides. The earl of la Fleſche was thus ſet at liberty, and, being now reduced to a private condition, offered his ſword to the king, who was ready to receive him with open arms: but the earl of Meulant, that monarch's favorite and principal miniſter, apprehending a rival in ſo able a man, diſſuaded him from it, by repreſenting to him the danger of truſting one whom he had ſo much offended. Helie, repulſed in his ſuit, ſaid, at parting from the king, "*Since you will not deign to accept my friendſhip and ſervice, you muſt not, Sir, be ſurpriſed if you find me your enemy, and endeavouring to regain the ſtate I have loſt.*" Nor did he wait long before he executed this ſpirited threat. For, immediately upon William's return into England, he made himſelf maſter of Mans, aided by the affection of the citizens to him, which his ill fortune had not cooled: but the caſtle and ſome forts held out obſtinately againſt him, the garriſons of which ſet fire to the town, and burnt it down to the ground. While he was endeavouring, by the ſlow approaches of a ſiege, to reduce theſe ſtrong places, William, having intelligence of what had been done in that country, inſtantly

ly rode from the new foreſt in Hampſhire, where he was hunting, to the ſea-ſide, and, with ſcarce any attendants, paſſed over to Barfleur in very tempeſtuous weather: then having aſſembled, with incredible diligence, an army of Normans, he ſo expeditiouſly led them againſt the earl, that this lord, being ſurprized, was again made his priſoner, and freed by him, without ranſom, as hath before been related. Not long afterwards happened the violent death of the king; and the earl thereupon was enabled to recover the whole province of Maine, which he governed, ſome years, with great wiſdom, having entered into a ſtrict alliance and friendſhip with Henry king of England, to whom, in his wars againſt his brother, Duke Robert, he did eminent ſervice, particularly at Tinchebraye, where the ſucceſs of that monarch was principally owing to him and his troops. Nevertheleſs he acknowledged no ſubjection to Normandy, as earl of Maine; but held that county under homage to Fulk the Fourth, earl of Anjou, who had been always his friend.

See Malmſb. f. 70. c. 30.

See Ord. Vit. l. xi p. 821.

Ord. Vit. l. viii. ſub ann. 1089.

In the hiſtory of this Fulk the moſt remarkable circumſtance was his marriage with Bertrade, daughter of Simon de Montfort, whom he obtained of her uncle, the earl of Evreux, by the mediation of Robert, duke of Normandy, though he had at that time two wives alive, whom he had divorced on pretence of their being related to him within the degrees

degrees forbidden by the canons. The prohibition had been extended even to the ſeventh degree, which the policy of Rome either enforced or relaxed in particular caſes, as ſuited beſt with the intereſt of the pontificate: ſo that any prince in that age, who was well with the pope and weary of his wife, might ſeparate himſelf from her, and marry another, whenever he deſired it, by alledging a diſtant relation, which the court genealogiſts never failed to make out. The earl of Anjou was already declining in years, when he made uſe of this liberty, to wed with Bertrade, the moſt celebrated beauty in the kingdom of France. She brought him a ſon; but they had hardly cohabited together four years, when, from a diſguſt on account of the inequality of their age, or from motives of ambition, which ſeems to have been at all times her ruling paſſion, ſhe ſuddenly left him, under the pretence of a ſcruple of conſcience about the validity of her marriage, and married Philip the Firſt, then king of France, whoſe heart ſhe had gained in a viſit, which, upon her invitation, he had made to her huſband. But that monarch himſelf had alſo another wife alive at that time, who had brought him three children, and from whom, on pretence of ſome relation between them, he had been lately divorced; the real cauſe being only (if we may believe William of Malmſbury) that ſhe was grown very fat. Such aſtoniſhing ſcenes did the divinity current in thoſe times

Ord. Vit. l. viii. ſub ann. 1092. Pere Daniel.

See Malmſb. de Will. I. l. iii. f. 69. ſect. 10.

times produce! But Philip's paſſion for Bertrade had made him act in this buſineſs with too much precipitation. He had not obtained the conſent of the biſhops of France, or of the pope, to his divorce; nor was the marriage of Bertrade with the huſband ſhe had quitted declared to be null. The conſequence was, that a very ſtrong oppoſition was made to the validity of this new engagement, by Ivo biſhop of Chartres, compiler of a code of eccleſiaſtical laws, which had great authority in thoſe days: and though Philip had ſuch influence over his biſhops as to procure a decree in favor of his marriage from a national council at Rheims, yet the contrary opinion of the biſhop of Chartres prevailed on Pope Urban the Second to call another at Autun, under his legate the archbiſhop of Lyons, which excommunicated the king for living with Bertrade, during the life-time of Bertha, his lawful wife. Soon after this ſentence had been paſt againſt him, that princeſs died; and other councils were called on this affair, in one of which, held at Clermont under Urban himſelf, Philip was again excommunicated, and the ſame ſentence was denounced againſt all his ſubjects who ſhould continue to give him the title of king, or ſo much as ſpeak to him, unleſs to exhort him to repentance. This had ſuch an effect, that in another, held at Niſmes, he conſented to part from the counteſs of Anjou, and ſo obtained abſolution. But the chains by which ſhe held him were too ſtrong

Concil. Eduenſe, tom. x. Concil.

An. D. 1094.

V. tom. x. Concil. & Pere Daniel.

An. D. 1096.

to

to be broken. Two years did not paſs, before he not only recalled her to his court and his bed, but even cauſed her to be crowned, as queen of France. Soon after this, Pope Urban died, and his ſucceſſor Paſchal the Second aſſembled a new council at Poitiers, to re-examine the cauſe: but, though the party of the king was ſtronger there than it had been at Clermont, the legates were firm, and pronounced againſt him a new ſentence of excommunication, under which he remained from the year eleven hundred to eleven hundred and five; when, after many endeavours to obtain a diſpenſation from the pope for their marriage, in which they were ſeconded by the biſhop of Chartres himſelf, both he and Bertrade were abſolved, upon taking an oath, that they would not, for the future, cohabit together. Yet that this oath was not kept appears from the words of Ordericus Vitalis, a contemporary hiſtorian, who ſays that *ſhe ſtuck to him, even to the day of his death.* Which aſſertion is confirmed by an Angevin chronicle, wherein it is ſaid, that the year after their abſolution they went together to Angers, and (what is ſtill more extraordinary) that they were moſt kindly received and entertained, by the old earl, her late huſband. Notice is alſo taken by Ordericus Vitalis of this ſtrange complaiſance, which he imputes to the power that Bertrade ſtill retained over the mind of that prince. Indeed ſhe was a woman of conſummate addreſs, and had charms in her wit not

An. D. 1098.

An. D. 1099.

Concil. Pict. ann. 1100.

Epiſt. Lamberti ad Paſcal.

See Ord. Vit. l. viii. p. 699. ſub ann. 1092.

Chron. Andegav. tom. v. Bibliothec. Labbæi. Pere Daniel.

not inferior to thoſe in her perſon: yet ſome other cauſe muſt have influenced a man in his circumſtances to make him act ſuch a part. It does not appear that in the ſeveral councils held on this ſubject he had ever oppoſed her cohabitation with Philip, or expreſſed any deſire to have her reſtored to himſelf. It may be therefore preſumed, that his former paſſion for her had been cloyed by poſſeſſion, and that he was glad to be rid of her in any manner, or, at leaſt, not diſpoſed to quarrel with his ſovereign on her account, but deſirous to avail himſelf of her friendſhip and protection at the French court. Perhaps too in his heart he acknowledged the nullity of his own marriage with her, and was not ſo well ſatisfied as the ſee of Rome that his former divorces were legal. A circumſtance which renders this more probable is, that, in the latter period of his life, he gave up the government of the earldom of Anjou to Geoffry his ſon by the firſt bed, and declared him his ſucceſſor in all his dominions. That the excommunication of Philip and Bertrade was never renewed after their laſt abſolution, though they ſo openly lived together in breach of their oath, can, I think, be accounted for only from the need which Pope Paſchal the Second had of the favor of the king, to ſupport him in the war which was then made againſt him by the emperor Henry the Fifth. This might procure a connivance from his Holineſs, though not a direct diſpenſation; for, that he did not

Ord. Vit. l. xi. p. 818.

grant

grant the latter, the ſilence of all the contemporary writers undeniably proves. Philip died An. 1108.
not long afterwards, and, to expiate his ſins, in the habit of a monk, which he took at the point of death; a very commodious method of renouncing the world when a man is juſt going out of it, and therefore frequently reſorted to in thoſe days by princes who had led wicked lives. Nay, ſo weak is the human mind, when loaded with guilt and fooled by ſuperſtition, that the ſame practice has continued in Roman-catholic countries even down to theſe times. About a year after the de- Malmſb.
ceaſe of Philip, Bertrade, being defeated in all Ibidem.
the objects of her ambition, had alſo recourſe to the expiatory merit of a monaſtick vow, not ſo ridiculous as the king's, becauſe it was made in health; but a penance very unequal to the enormity of her guilt. For, in order to ſecure herſelf againſt the ſucceſſion of Louis, Queen Bertha's ſon, and obtain the crown for the eldeſt of her own ſons by Philip, ſhe had ſcrupled no methods, how flagitious ſoever. Louis, who had conceived a particular eſteem Ord. Vit.
for Henry, king of England, had obtained l. x. p. 812, 813.
leave of his father to make a viſit to that monarch, and was received at his court with the honors due to his birth, and all the affection which ſuch an obliging advance of friendſhip deſerved. But he was preſently followed by a meſſenger ſent from Bertrade, who brought a letter to Henry under the ſeal of Philip, which contained a requeſt from the latter,

urged in the ſtrongeſt terms, that, upon the receipt of it, he would inſtantly arreſt the prince, and keep him in priſon for life. Henry communicated this extraordinary epiſtle to the lords of his council, but aſcribed it entirely to the inſtigations of Bertrade, and expreſſed his abhorrence of giving any countenance to the deſigns of that wicked and dangerous woman; in which ſentiment they all concurred. He therefore exhorted his royal gueſt to return without delay into France, where his preſence would be neceſſary to reſiſt her machinations. The prince followed his advice, and retained ſuch a ſenſe of the obligation he had received from him upon this occaſion, that he could not be perſuaded to give him any obſtruction in the conqueſt of Normandy, as from policy he ought to have done, but even encouraged and aided him in that undertaking; of which he and his ſucceſſors had reaſon to repent. At his return into France he expoſtulated with his father upon the letter he ſuppoſed to have been written by that king, who abſolutely denied that he had any knowledge of it; and it came out to be all a contrivance of Bertrade, againſt whom juſtice was demanded in vain. Nor did ſhe ſtop at this crime; but attempted to ſave herſelf from the reſentment of Louis by taking away his life. She firſt endeavoured to do it by ſorceries, in which the ignorant ſuperſtition of thoſe times had great faith, and tampered with three prieſts, who pretended to be able to deſtroy

him that way: but one of them having impeached his accomplices, ſhe took a method more effectual to anſwer her purpoſe, and cauſed the prince to be poiſoned. The French phyſicians could not find any antidote to relieve him; but he was ſaved by a foreigner who came out of Africk, where the ſcience of phyſick was then better known than in Europe. The paſſion of the old king for his execrable miſtreſs was ſo rooted in his heart, that even this attempt on the life of a ſon whom he loved could not deliver him from it, though it does not appear from the accounts tranſmitted to us that he doubted of her guilt. Inſtead of puniſhing her, as ſo atrocious a crime deſerved, he made himſelf mediator between her and his ſon, implored his pardon for her, and bribed him to grant it with a conſiderable portion of the royal demeſne. At his death ſhe withdrew herſelf out of the power of Louis, and with the aſſiſtance of her brother Amauri de Montfort raiſed a revolt againſt that prince: but, his valour and prudence having ſoon overcome this rebellion, which was not ſupported by the body of the nobles or people, ſhe took refuge in a convent, as a ſafer aſylum: and her brother, who was a man of peculiar dexterity in court intrigues, made his peace with the king, and obtained no inconſiderable ſhare of his favor.

Suger vit. Lud. Groſſi.

Before Philip's death, the earl of Anjou had reſigned the government of that province

to Geoffry his ſon, who in the adminiſtration of it ſhewed a very laudable ſpirit, by putting a ſtop to the robberies and other enormities, which, during the licentiouſneſs of his father's adminiſtration, had there been committed, not with impunity alone, but with encouragement; the earl himſelf (if we may believe a contemporary hiſtorian) frequently ſharing in the plunder. Againſt all theſe freebooters, of whom many were barons and governors of caſtles, the young prince drew the ſword, puniſhed them with the ſeverity that juſtice required, and eſtabliſhed ſuch peace and good order in Anjou, as it had ſeldom enjoyed. But, at the end of three years, he was treacherouſly ſlain, by an arrow ſhot at him from the wall of a caſtle, poſſeſſed by a band of rebels, whoſe chiefs were treating with him upon a capitulation. His father, finding himſelf from his age and infirmities unable to bear the burthen of government, was deſirous to make it over to his other ſon, Fulk, whom he had by his marriage with Bertrade. This young man was then under the tuition of his mother, by whom Philip was eaſily perſuaded to conſent to his exaltation, and to grant him the inveſtiture of the earldom of Anjou: the queſtion about the legitimacy of his birth not being thought any bar to his obtaining that dignity; as the earl, his father, had no legitimate ſon. The duke of Aquitaine, who had been paying his duty to Philip, was at this time returning home. As he propoſed to

Ord. Vit. l. xi. p. 818.

A. D. 1106.

paſs

paſs through Anjou in his journey to Poitou, Bertrade entruſted her ſon to his conduct: but, inſtead of carrying him to his father, he detained him in priſon, with an intention of extorting by this means from the earl the ceſſion of certain towns on the frontiers of Anjou; probably ſome of thoſe that had been gained from the princes of the ducal family of Poitiers by the firſt Geoffry Martel. Bertrade, enraged beyond meaſure at this perfidy, employed all her arts to inſtigate the old king to make war on the duke: but he was too indolent to undertake ſuch an enterprize; which being well known to that prince, he ſlighted her menaces; nor did he pay more regard to thoſe of the earl of Anjou, who, ſeeing no other means of delivering his ſon, conſented to renounce, for himſelf and his ſucceſſors, the towns in diſpute. This ceſſion was the laſt publick act of his life, the latter end of which had been very inglorious. His ſon proved a great prince, and conducted himſelf wiſely in all affairs. He married the daughter of the earl of La Fleſche; and acquired, by that alliance, the province of Maine: for his father in law, dying without iſſue male, left it to him, upon account of his marriage. But Henry the Firſt, king of England, though, out of a proper regard to the good ſervices done him by the earl of La Fleſche, he had not enforced his pretenſions to this earldom during the life of that prince, renewed them after his death, and required that the earl of

An. D. 1110. Ord. Vit. l. x. p. 785.

Anjou ſhould hold it in fief of the dutchy of Normandy. This demand having incenſed the high-ſpirited earl, he was eaſily induced by his uncle, Amauri de Montfort, and by Robert de Beleſme, to favor the claim of William, Duke Robert's ſon, whom his governor, Helie de St. Saen, brought to Angers, at this juncture of time. Amauri de Montfort, nephew to the earl of Evreux, whom the king of England had baniſhed and deprived of his earldom, having eſcaped from the battle of Tinchebraye, had, by the mediation of the earl of La Fleſche, obtained ſome time afterwards a pardon from Henry, and part of his eſtate, which had been confiſcated, in the dutchy of Normandy: but he did not forget that Henry had deprived him of all his poſſeſſions in England, and therefore took this opportunity to excite new diſturbances againſt that monarch. A moſt intimate connexion was formed between him and Helie de St. Saen, who governed himſelf chiefly by his advice; knowing him to be a man, who, from his abilities, courage, and experience in faction, would be a moſt proper inſtrument to ſerve his pupil. They flattered themſelves with the hopes of a powerful aſſiſtance from Louis le Gros: For the friendſhip, that had ſubſiſted between Henry and that prince during the life of his father, had been interrupted, in the firſt year of his reign, by a diſpute about Giſors, a town built by William Rufus on the frontiers of Normandy, which, conformably

Idem.
l. xii. p. 840, An. D. 1113.

Idem, p. 838, 840.

to

to a treaty between the two kings, had been put into the cuſtody of a baron ſubject to neither of them, in order to be kept in a ſtate of neutrality. But Henry got poſſeſſion of it, by corrupting that baron, and obſtinately refuſed either to put it again into neutral hands, or demoliſh the fortifications, as the treaty required. Louis was ſo incenſed at this ſcandalous breach of faith, that he propoſed to decide the quarrel between them by ſingle combat; but Henry, in whoſe valour there was nothing romantick, declined the challenge. A war enſuing hereupon, the king of England was aſſiſted by his nephew, the earl of Blois, and the dukes of Aquitaine and of Burgundy, though all vaſſals of France. Louis was chiefly ſupported by Robert earl of Flanders, who twice defeated the earl of Blois, but, in a battle between the king of France and that earl, a memorable victory was won by the latter; and the vanquiſhed monarch with difficulty eſcaped from the field, bearing in his own hand the royal ſtandard, and forcing his way through troops of the enemy, who had routed his army, and ſurrounded his perſon. Nevertheleſs it was not long before he had his revenge: for, in another fight, the earl of Blois was dangerouſly wounded by the earl of Vermandois, a prince of the blood of France; which having conſtrained him to retire from the action, his army was ſoon beaten. During the whole courſe of this war King Henry remained in Normandy, contenting himſelf with

Suger in vita Lud. Groſſi, p. 296.

ſending aſſiſtance to his confederates, becauſe he was afraid of diſorders and rebellions in his own territories. But he courageouſly attacked and vanquiſhed ſome detachments, which Louis had ordered to break into Normandy; and this having diſpoſed that monarch to a peace, it was made upon conditions advantageous to Henry: for Giſors was ceded to him, and an amneſty was granted to all the vaſſals of France, who had taken part with him. About two years afterwards, his nephew, the earl of Blois, revolted again, and won a battle againſt Louis, in which the earl of Flanders, being thrown from his horſe, died of the bruiſes he received. The loſs of this prince was a great misfortune to Louis, who had no better friend, nor any other general of equal capacity. He was ſo taken up in defending his own domains againſt the earl of Blois, that the earl of Anjou, and others of the nobility of his realm, whom he had encouraged to make war againſt Henry, receiving from him no aſſiſtance, were unable to reſiſt the forces of that king; eſpecially, as one of the heads of their faction, and the chief manager of all their ſecret intrigues, fell into his hands, before their deſigns were brought to maturity. For Robert de Beleſme being ſent to him, with a meſſage from Louis, he did not conſider him as a foreign miniſter, but as his own rebellious vaſſal; and having got him condemned in his Norman court of juſtice, threw him into priſon, where he remained

Ord. Vital. l. xii. p. 837. P. Daniel.

Ord. Vit. p. 840, 841. ſub ann. 1113. See alſo p. 858. and Malmſb. l. v. f. 89.

mained all his life in the ſevereſt confinement. His ſufferings met with no pity; as, wherever he had power, he had been a moſt inhuman and mercileſs tyrant. One horrible inſtance of his barbarous cruelty, among many others, is mentioned by an hiſtorian of very good credit; namely, that, for a ſlight offence, committed againſt him by the father, he, with his own hands, tore out both the eyes of a young child, his own godſon, whom he had received as a hoſtage. Henry, after having freed the world from this monſter, laid ſiege to Alenſon, of which town he had been lord, and took it in a few days. The earl of Anjou, intimidated by ſuch an unproſperous outſet in the war he had undertaken, and ſeeing the ſtorm ready to fall on himſelf, unſupported by all thoſe in whoſe aid he had truſted, was eaſily induced to treat of a peace, which Henry, who deſired ſecurity more than revenge, willingly granted him, upon condition that he ſhould do homage to him, as duke of Normandy, for the earldom of Maine; and to induce him with leſs reluctance to make that conceſſion, betrothed his ſon, the heir of his crown, to Matilda, the earl's eldeſt daughter. In conſequence of this treaty Duke Robert's ſon was driven from Angers, to ſeek protection elſewhere, which he found in the dominions of Baldwin the Sixth, earl of Flanders, who had ſucceeded to his father, Robert the Second.

V. authores citatos ut ſupra, et Huntingdon in epiſtol. de contemptu mundi.

The

The king of France, when he ſaw the confederacy againſt Henry diſſolved by the defection of Anjou, thought it expedient to make peace with him, notwithſtanding the injury done to his royal dignity in the perſon of his embaſſador, Robert de Beleſme; for which he obtained no ſatisfaction. Henry, who felt his advantages and knew how to uſe them, preſcribed the conditions, and gained all the points he moſt deſired; for not only Maine was allowed by Louis to be a fief of the dutchy of Normandy, under the crown of France, but likewiſe Bretagne, the dependence of which upon that dutchy had been warmly conteſted between them. Accordingly Alan Fergant, duke of Bretagne, did homage for it to Henry, who eſpouſed one of his natural daughters to Conan, the eldeſt ſon of that duke, and having thus ſtrengthened himſelf on every ſide, laid ſiege to Beleſme, which Louis had given up, among other ceſſions made to him; though nothing could more diſhonor that prince than ſuch an article in the treaty, as it was completing the ruin of the impriſoned earl, whom on every account, except his moral character, he ſhould have protected. But he was ſo virtuous himſelf, that his abhorrence of the man made him forget the embaſſador. Beleſme was a very ſtrong place, and well garriſoned; yet Henry, aſſiſted by the earls of Anjou and Blois, took it by ſtorm the third day; and ſoon afterwards returned with glory to

See Malmſb. l. v. f. 89. Ord. Vit. p. 841, 842. ſub ann. 1113.

to England; where he continued five years without any diſturbance, honored and feared by his ſubjects, reſpected and courted by foreign powers. His only legitimate daughter, Matilda, was married to the German emperor, Henry the Fifth, and of his many illegitimate children ſeveral were ſo diſpoſed of in wedlock, that the alliances formed by them aſſiſted to ſecure the peace of his government. But in the year eleven hundred and eighteen new troubles aroſe in his territories abroad. For William, the ſon of Duke Robert, diſtinguiſhed by the ſurname of Clito (uſed in that age by the Normans, as Atheling was by the Saxons, to denote a prince of the royal blood) had now attained to manhood, and ſhewed ſtrong indications of a great ſpirit and a good underſtanding, ſuch as were requiſite to ſupport his high pretenſions. Henry had offered to give him three earldoms in England, and breed him up in his court like his own ſon; but he diſdained thoſe offers. Perhaps he might be afraid to put himſelf into the power of a king to whoſe crown he had a title; and ſuch a diſtruſt would not have been ill founded: nor could he with decency conſent to reſide in the court of an uncle who kept his father in a priſon. The young earl of Flanders, who had received him with great kindneſs, when he was driven from Anjou five years before, warmly eſpouſed his party now. But the moſt fortunate event in his favor was the death of William earl of Evereux: for Amauri de Montfort claimed

See Malmſb. l. v. f. 91. Idem, l. v. f. 93. Ord. Vit. ſub ann. 1109.

A. D. 1118.

Idem, l. xii. ſub ann. 1118.

Idem, p. 866.

Idem, p. 843.

that

that earldom, as nephew to the deceaſed; which being refuſed to him by Henry, he renewed his connections with the ſon of Duke Robert, and having great influence and power in France, by his birth, alliances, riches, and perſonal talents, perſuaded almoſt the whole kingdom, and Louis himſelf, to declare war againſt Henry, in behalf of that prince, whom many of the Norman barons deſired for their duke. Even the earl of Anjou joined in this league; for which no other reaſon appears, than that Henry delayed to complete the match between his ſon and the earl's eldeſt daughter, which had been ſtipulated in the laſt treaty of peace. Yet, the lady being ſtill under twelve years of age, her father had no cauſe to reſent that delay, unleſs we ſuppoſe that from other circumſtances he might ſuſpect an intention of breaking the contract. Whatever may have been his inducement to act in this manner, he mightily ſtrengthened the faction to which he acceded. The far greater part of the Norman barons were alſo, by the intrigues of Helie de St. Saen and Amauri de Montfort, drawn to engage in the ſame cauſe. The defection among them went ſo far, that Henry ſcarce knew in whom to truſt; he was encompaſſed with treaſon: it was in his court, in his council, in his bed-chamber itſelf, of which one of the gentlemen formed a plot againſt his life; and though it was diſcovered to him before execution, the puniſhment of the traitor did not quiet the fears of the king. He became ſo uneaſy, that,

Idem, p. 846. Suger in vit. Lud. Groſſi, p. 308.

that, for ſome time afterwards, he never ſlept without a ſword and a ſhield lying by him, frequently changed his bed, and ordered large companies of thoſe he thought the moſt affectionate to him, among his domeſticks, to keep watch, in arms, about his perſon, at night. By theſe anxious cautions he preſerved himſelf from aſſaſſination; and againſt thoſe who attacked him with open war he took into his pay a ſtrong body of Bretons, and brought over a great army of his beſt friends and ſubjects, the commons of England. This force, joined to that of his nephew the earl of Blois, who continued very firmly attached to his intereſts, enabled him to withſtand the revolt of the Normans, and the arms of all the other enemies who had combined to deſtroy him. His good oeconomy had given him wealth, and his wealth, in this great exigence, diſcreetly laid out, preſerved his dominions.

Ord. Vit. l. xii. p. 843.

As I mean only to draw a ſketch of theſe affairs on the continent, I ſhall paſs over many circumſtances and incidents of this war: but there happened one event of ſo extraordinary a nature, that it merits a particular notice. Euſtace, lord of Breteuil, who had married Juliana, a natural child of king Henry, and had by that lady two daughters, being connected in friendſhip with Amauri de Montfort, was inſtigated by him to demand a ſtrong caſtle, which was then held as a part of the ducal demeſne, becauſe it had been formerly poſſeſſed by his anceſtors. The king, afraid at ſuch a

Idem, p. 848, 849.

time

time to refuſe almoſt any requeſt, and yet unwilling to truſt him with the caſtle, promiſed to grant it him after the war ſhould be over, when it could be done with more ſafety, and gave him the ſon of the governor, as a hoſtage, to ſecure to him the future delivery of it, taking in return his two daughters, as hoſtages for his fidelity during the war. But Euſtace, who acted entirely under the influence of Amauri de Montfort, and by his advice was determined to revolt, cruelly put out the eyes of the boy, and ſent him back to his father in that diſmal condition. Henry was incenſed to the higheſt degree at ſuch an atrocious and inſolent act of barbarity: the criminal himſelf was out of his power; but he delivered up to the injured perſon the two young ladies, his own grand-daughters, whom Euſtace had placed in his court, as hoſtages, and bad him take his revenge on them, as he ſhould think good. The man, inflamed with anger againſt Euſtace, paid no regard to their innocence, or to the blood of his maſter, but inhumanly cut off the ends of their noſes, and put out their eyes. Nor did Henry expreſs any diſpleaſure againſt him for what he had done. On the contrary, to make him all the reparation he could, and ſhew that he did not reſent the exceſs of his rage, he ſent him back to his government loaded with honors and preſents. So much did the ſeverity of this prince's temper, founding itſelf on a notion of juſtice, over-rule in his breaſt even the moſt powerful

Idem ibidem. See alſo H. Huntingdon. de mundi contemptu, p. 699. in Angliâ ſacrâ, vol. II.

ſen-

ſentiments and affections of nature! Ancient Rome would perhaps have admired him for this action, and the hiſtory of England has no other that comes up to the force of it: but, though the principle on which it was done demands veneration, and no ordinary mind could be capable of it, the deed raiſes horror; and one could wiſh, for Henry's honor, that he had found leſs direful methods to appeaſe his injured ſervant, without inflicting on innocence pains that are only due to guilt, and in the perſons of thoſe whom the firſt and greateſt of all laws, the law of nature, particularly obliged him to ſave and protect. His daughter Juliana was ſo much enraged at it, that ſhe endeavoured to revenge the ſufferings of her children by the murder of her father. The town of Breteuil, after the revolt of her huſband, had been left by him in her cuſtody; but the burgeſſes delivered it up to the king: upon which ſhe retired into the caſtle, and finding ſhe could not hope to maintain it againſt him deſired a parley with him; to which he having conſented, the furious woman, with her own hand, diſcharged an arrow at him out of a croſs-bow: but, fortunately for them both, it did him no hurt. She was then compelled to ſurrender the caſtle and herſelf at diſcretion; for Henry refuſed to grant her any conditions. All who were with him ſtood in an uncertain and fearful expectation, to ſee in what manner a prince, ſo rigorous in his juſtice, would puniſh a daughter, who had impiouſly made

Ord. Vital. ut ſupra.

made an attempt againſt his life. The event was much leſs tragical than they apprehended. Imputing her intention of parricide to the violence and madneſs of grief, he would not let her ſuffer in life or limb, nor even deprive her of liberty for it, but took a ſtrange method of expoſing her to ſhame: for the draw-bridge of the caſtle being broken down by his orders, when ſhe was to go out of it, he obliged her, in the ſight of his wondering army, to let herſelf down from the rampart into the ditch, and wade through the moat, the water of which was not deep enough to drown her; and with this brand of ignominy ſent her to her huſband: an indecent kind of revenge, which in truth diſhonored himſelf.

Malmſb. l. v. f. 90. Ord. Vital. l. xii. p. 843, 851. Diceto abbrevi. chron. ſub ann. 1118. Suger in vit. Lud. Groſſi. p. 308.

His affairs were now brought to a more proſperous ſtate. Baldwin earl of Flanders, the keeneſt enemy he had to contend with, and the moſt attached to his nephew, had been wounded in the face, by the lance of Hugh Boterel, in an engagement near Eu with ſome of the troops of Bretagne, during the autumn of the year eleven hundred and eighteen. His intemperance and incontinence, while the wound was under cure, made it mortal. Though he lived till the next ſummer, he was not able to act in the war againſt Henry; who, being informed of his danger, expreſſed great concern, and even ſent him his own phyſician, a man of eminent knowledge in his profeſſion: but that help came too late. From the time that the earl received this hurt, the balance

balance of power had turned in favor of Henry: yet he was not ſo elevated with his good fortune, as to forget that moderation and prudence, by which he had in all events directed his conduct. *He rather choſe* (ſays William of Malmſbury) *to make war by counſel than by the ſword; and conquered, if he could, without any bloodſhed; if not, with but little.* From theſe diſpoſitions he now acted. For, thinking that of all the remaining confederates, except the king of France, his moſt formidable enemy was the earl of Anjou, who in this war had taken from him the town of Alenſon, and totally defeated his forces, that came to the relief of it, he reſolved to try if it might not be practicable to recover the friendſhip of that valiant prince, by completing the marriage they had agreed on before, which he rightly judged would be now more gladly accepted, as the hopes of his nephew's party were much abated. He therefore ſent for Prince William, his ſon, from England, managed a ſecret negociation with the earl, and all the articles having been privately ſettled between them, ſolemnized the nuptials at Liſieux in Normandy, with great ſatisfaction, in the month of June of the year eleven hundred and nineteen. Beſides a large portion paid down, the lady brought her huſband the reverſion of Maine, which by the contract of marriage was ſettled upon him after the death of her father.

A. D. 1119.

See Malmſb. de H. I. f. 91. c. 40.

Ord. Vit. l. xii. p. 847, 851.

See Malmſb. l. v. f. 93, c. 40. de H. I.

Thus, in the midſt of this formidable war, which had threatened him with the loſs of all his dominions, did Henry gain to his family one of the moſt conſiderable provinces in France. And ſoon afterwards, the earl of Anjou, going to the Holy Land, appointed that king to be guardian and regent of Maine, till he ſhould return. But, before he conferred this obligation upon him, he interceded with him to pardon the ſon of Robert de Beleſme; which Henry granted, and gave the young man the town of Alenſon, with ſome other fiefs in that country, wiſely deſiring to take any occaſion of ſowing diſtruſt among the confederates, by ſeparate treaties, which he knew would produce a diſſolution of the league. He then proſecuted the war with great vigour in Normandy, and would ſoon have concluded it, if the king of France, attended by William, Duke Robert's ſon, had not marched thither, at the head of his army, to ſuccour the rebels. Henry, upon the firſt notice of the approach of that monarch, retired to Rouen, deſiring to avoid, if he could, any hoſtilities againſt Louis in perſon: but the French having advanced within four miles of Rouen, and waſted the whole country with fire and ſword, he found that his reputation began to ſuffer by the exceſs of his prudence, and therefore reſolved to give them battle; which he ſoon afterwards did, in the plain of Brenneville, near the caſtle of Noyon in the Vexin.

Ord. Vit. l. xii. p. 851, 852. Malmſb. de H. I. l. v. f. 90.

Vexin. Louis, who expected no oppoſition, and from the ſeemingly timid behaviour of the enemy had been induced to deſpiſe them, was much ſurprized, when he came into that plain, at ſeeing their army drawn up in excellent order, and hurried on by a raſh impulſe of precipitate courage, attacked them as ſoon as ſeen, without ſo much as waiting till he had formed his own troops.

Suger in vit. Lud. Groſſi, p. 309. Huntingd, l. vii. f. 218. Diceto, Abb. Chron. ſub. ann. 1119.

The engagement was begun by the forces of the Vexin, under William Clito, who, by the impetuoſity of his charge, bore down and broke the firſt line of the Engliſh; but was repulſed by the ſecond, compoſed of Henry's houſehold, and commanded by that king. Louis himſelf then brought up the main body of his army, which, being in no better order, was alſo defeated. Yet, during the heat of the action, Henry was in great danger. For William Criſpin, a Norman knight, who was nephew to Amauri de Montfort, attacked him hand to hand, and ſtruck him twice upon the head with his ſword. He was preſerved by his helmet, which was ſo finely tempered that it could not be penetrated, though by the weight of the blows it was beaten into his head, ſo that blood iſſued out; and having recovered himſelf, he returned ſuch a ſtroke on the creſt of his enemy, that with the force of the ſhock both man and horſe were thrown to the ground; as ſome of the contemporary authors relate; but Ordericus Vitalis affirms, that

See Ord. Vit. l. xii. p. 854.

Criſpin was ſtruck down by one of Henry's barons; and adds, that the ſame nobleman generouſly covered him with his own body from the rage of the Normans, who would have killed him for having aſſaulted the perſon of his maſter. Certain it is, that he was taken priſoner at Henry's feet. The battle at firſt had been only between horſe: but the Engliſh rear, compoſed of infantry armed with pikes, coming up, the French cavalry did not dare to ſtand their attack. Many of the principal nobles of France were made priſoners; and Louis himſelf with great difficulty eſcaped the ſame misfortune; having fled into a wood, in which, for ſome time, he wandered all alone; and being conducted from thence to Andeli by a peaſant he met, who did not know him. His horſe and ſtandard were taken; the laſt of which Henry kept, as an honorable trophy: but the horſe he ſent to the king, with all its accoutrements, and ordered his ſon to return that of William Clito, who had been alſo diſmounted in the action. So perfect a victory over the French king in perſon was very glorious to him: yet having been won with more diſhonor than loſs to the French, it was not deciſive; for they recovered their ſpirits, returned into Normandy, and again offered him battle, which he did not accept. He afterwards gained ſome other advantages in the war; but he only availed himſelf of them to bring on a peace, thinking *that* the beſt fruit, which, all circumſtances conſidered, his ſucceſs

Huntingdon. Diceto ut ſupra.

Ord. Vit. ibid. p. 855.

Ord. Vital. l. xii. p. 856, 857, 863, 864, 865, 866, 867. Suger, p. 309. Malmſb. de H. I. l. v. f. 90.

ceſs could produce, either to himſelf, or his ſubjects.

About the end of the year eleven hundred and nineteen, Pope Calixtus the Second, being at Rheims in Champagne, made himſelf a mediator between the two kings: and Henry had the addreſs, in a conference with him, partly by arguments, and partly by preſents liberally beſtowed upon him and his cardinals, to perſuade him to give up the cauſe of duke Robert and William Clito, which he came very warmly diſpoſed to ſerve. Louis, being thus deprived of the aid that he expected to have had from the papal authority, was likewiſe induced to forſake thoſe unfortunate princes; which it was the more neceſſary for him to do, as Charles of Denmark, who had ſucceeded to Baldwin the Sixth in the earldom of Flanders, was much more inclined to aſſiſt than to oppoſe the king of England. The greateſt difficulty of the treaty conſiſted in this, that Henry had diſputed the nature of the homage which the dukes of Normandy owed to the French crown, and had very publickly declared, that he never would pay it in the manner required, though both his father and William Rufus had ſubmitted to it without any apparent reluctance. Louis would not give up the pretenſions of his crown in ſo important a point; and it ſeemed an irremoveable bar to the peace, which, on all other accounts, Henry greatly deſired. But he found an expedient, which in ſome

Suger in vit. Lud. Groſſi. Malmſb. l. v. f. 93. Ord. Vit. l. xii. p. 866, 867. Hoveden, ſub ann. 1120.

meaſure ſaved his own dignity and contented the French monarch, viz. that his ſon William ſhould be inveſted with the dutchy of Normandy in his ſtead, and do homage for it in the accuſtomed form. This being agreed to, with a mutual reſtitution of places and priſoners taken on both ſides during the war, the peace was made, to the ſatisfaction and honor of Henry, who, without any loſs, had ſuſtained all the efforts of ſo ſtrong a confederacy, and came out of ſuch a great and dangerous war, more reſpected and more powerful than ever before.

But his felicity, which now ſeemed ſo firmly eſtabliſhed, was ſuddenly overturned by the moſt unhappy accident that ever humbled the pride of human wiſdom. Upon his return to his kingdom, the ſhip, which carried the prince his ſon, and with him all the flower of the Engliſh nobility, having put out in the night from Barfleur in Normandy, by the great careleſſneſs of the maſter and ſailors, who were all drunk, ſtruck on a rock that lay concealed under water, not far from the Norman ſhore. The prince got into the long-boat, and might eaſily have been ſaved, as the weather was calm; but moved with the ſad cries of the young counteſs of Perche, his natural ſiſter, imploring him to take her into the boat, he commanded it to be rowed back again to the ſhip; when ſo many leaped into it, that it immediately ſunk. Richard, one of Henry's natural ſons, who had gained a great reputation in

Ord. Vit. l. xii. p. 867, 868, 869. Malmſb. de H. I. f. 93. l. v. S. Dunelm. ſub ann. 1120.

in the laſt war; the counteſs of Cheſter, niece to the king, and ſiſter to the earl of Blois; Richard earl of Cheſter, her huſband; and Other, his brother, who was governor to the prince; a nephew of the emperor Henry the Fifth; and other illuſtrious perſons, foreigners as well as Engliſh, who had attached themſelves to the perſon and fortune of Henry, or the riſing hopes of his ſon, periſhed with the latter by this unthought-of misfortune. When the ſhip was ſinking, two perſons climbed up the maſt, and getting to the top of it, kept their heads above the water, which there was not very deep. One of theſe was a young ſon of Gilbert de Aquila; the other a butcher of Rouen. In this ſituation they remained a great part of the night; but the tender youth, being benumbed by the wet and cold, loſt his ſtrength, and recommending his companion to the mercy of God, fell into the ſea and roſe no more. The butcher, who was clad in a thick woollen garment and more hardy in his conſtitution, held out till morning; and being ſaved by ſome fiſhermen who came from Barfleur, related the circumſtances of this diſmal event. The dead body of the prince was ſought for in vain. Even the conſolation of burying him was denied to his father. He had no grave but the ocean.

All the firmneſs and hardneſs of Henry's heart could not reſiſt this dreadful ſhock. At hearing the news he fainted; and it was ſome time before he recovered that compoſure of

mind, which diſtinguiſhed his character, and had never been ruffled on any other occaſion. Indeed he had reaſon to grieve extremely, both as a father and a king. The prince had been always dutiful: and if we may judge of his nature from the act of humanity which coſt him his life, or from what is ſaid of him by William of Malmſbury and Ordericus Vitalis, it was amiable and hopeful in all reſpects. His death left the ſucceſſion to England and Normandy quite undetermined, as Henry had no other legitimate ſon: and an undetermined ſucceſſion is always an evil to the perſon on the throne, but eſpecially, where his own title is in diſpute. Henry feared this ill conſequence, and having buried his wife, Matilda, about two years before, he now determined to marry again, in hopes of poſterity; and choſe Adelais, daughter of Godfrey duke of Louvain, chiefly on account of her excellent beauty, his great object being to have an heir, yet not without ſome attention to his intereſts in other reſpects, as, by her mother, ſhe was niece to the pope. But ſhe brought him no child; and becauſe he was then in the decline of life, two years were ſcarce over, when many of his ſubjects began to turn their eyes towards the ſon of Duke Robert. The reputation, which that prince had gained by his valour, in the laſt war, gave his pretenſions new weight in the opinion of the publick. England indeed was too firmly attached to Henry, and in too quiet a ſtate of peace and obedience, for his nephew's

V. Malmſb. & Ord. Vital. ut ſupra.

Malmſb. de H. I. f. 93. l. v. Eadm. hiſt. nov. p. 36. Huntingdon, l. vii. f. 218. c. 29.

See Ord. Vit. l. xii. p. 875.

nephew's adherents to make any impreſſion upon that nation, while he was alive: but Normandy being more open to the power and influence of the French court, and the nobility there more ready to revolt, from long habits of faction and a greater facility of eſcaping from puniſhment, a very conſiderable number of them engaged with Prince William; and they were ſupported in their conſpiracy by Fulk earl of Anjou, who, having returned from Jeruſalem in the year eleven hundred and twenty one, required that the portion he had given with his daughter ſhould be repaid, becauſe the marriage had not been conſummated. This Henry refuſed, which, together with the ſolicitations of Amauri de Montfort, induced the earl to quit his party and ſide with his nephew; or rather gave him an excuſe for taking the part, which at this time a greater intereſt ſeemed to require; for there was good reaſon to believe, that Normandy now, and England hereafter, would fall into the hands of that young prince; whom therefore the earl was deſirous of marrying to one of his daughters, that, by means of this alliance, his family might regain all the dominions it had loſt by the unfortunate death of Henry's ſon. His eldeſt daughter, that prince's widow, had taken the veil; but he had another named Sibylla, whom he now contracted to William Clito, the ſon of Duke Robert, giving to him for her dower the earldom of Maine.

See Malmſb. de H. I. l. v. f. 88. c. 40.

Ord. Vit. l. xii. ſub. ann. 1122. Malmſb. f. 93. l. v.

Thus

Thus was Henry forſaken by that ally, whom he had endeavoured moſt ſtrongly to fix in his party, and whom of all his enemies, he feared the moſt. But his prudence and good fortune did not forſake him. By attacking the conſpirators before they were ready he took ſome of their caſtles; and not long afterwards moſt of their leaders fell into his power, being ſurpriſed on a march near Bourg Teronde, by a detachment drawn out of the neighbouring garriſons, under the conduct of Ranulph de Bayeux, governor of Evreux, Odo de Borleng, a gallant old officer, and William de Tankerville Henry's great chamberlain. The victory was compleat, though very little blood was ſhed in the action. The earl of Meulant, ſon to the king's late favorite miniſter, and who, though bred in his court, nay almoſt in his boſom, had moſt ungratefully revolted againſt him, Hugh de Montfort, brother-in-law to that earl, with many other barons and knights of great diſtinction, were forced to yield themſelves priſoners; their horſes being killed under them, before they had ſtruck a ſingle ſtroke, by a body of archers, whom Odo de Borleng had poſted in the front of the Engliſh line: at which diſaſter all who were with them were ſo much intimidated, that they immediately fled, without fighting. Amauri de Montfort, who had been the incendiary of this and many other preceding revolts, was purſued in his flight and taken by a young nobleman of Henry's houſhold, William de Grandcour, ſon to the earl

Ord. Vit. l. xii. ſub ann. 1123, 1124. Huntingdon, l. vii. f. 219. Hoveden. f. 273. p. 1.

earl of Eu: but he prevailed upon that lord to ſet him free, and even go with him into exile himſelf, rather than deliver him up to Henry's reſentment, from which no mercy could be expected: an extraordinary inſtance of addreſs in the one, or generoſity in the other! Among the priſoners was a French knight, named Luke de Barre, who in the former war had been taken by Henry and generouſly freed, his horſes and other goods being all reſtored to him: but forgetful of this benefit, he not only joined again with the enemies of that king, but wrote ſatyrical ballads againſt him, and publickly ſung them himſelf. For this offence he was tried in Henry's court at Rouen, and condemned to loſe his eyes; which he refuſed to ſubmit to, and ſtruggling with the executioners, daſhed out his own brains againſt the walls of the priſon. Two others had the ſame ſentence inflicted upon them, as rebellious and perjured vaſſals: the reſt were cloſely impriſoned, for ſeveral years, or for life.

All the hopes of William Clito were blaſted at once by this defeat. Many who deſigned to join him were ſtopt, many who had declared for his party forſook it, and the earl of Anjou himſelf, too apt to change with all the changes of fortune, ſubmitted to obtain a diſhonorable peace, by renouncing his friendſhip and even expelling him out of all the Angevin territories, after his contract of marriage

Malmſb. f. 99. l. i. Hiſt. nov. S. Dunelm. p. 255. Ord. Vital. l. xii. ſub ann. 1124.

riage had been diſſolved, by a ſentence of nullity procured from the pope, on the uſual pretence of conſanguinity of the parties, though they were no nearer related than the earl's other daughter was to King Henry's ſon, the legality of whoſe marriage had never been diſputed. That monarch had no enemy left to contend with, except the king of France, who had abetted the revolt of his ſubjects, notwithſtanding the peace, which had been concluded between them a few years before. He thought he had now a fair opportunity of revenging himſelf for the paſt and preventing any future attacks from that quarter. His ſon-in-law, the emperor Henry the Fifth, had made his peace with the pope two years before, but retained in his heart a ſharp reſentment againſt Louis le Gros, for having permitted a ſentence of excommunication to be fulminated againſt him, during his quarrel with Rome, in the council of Rheims. This was known to the king of England, with whom he lived in cloſe friendſhip, and who incited him, now, when the cenſures of the church were taken off from him, and all his enemies in the empire ſubdued, to turn his arms againſt France, and lay in aſhes that city, where the imperial majeſty had received ſo great an affront; promiſing at the ſame time to attack the French territories, on the borders of Normandy. The emperor, pleaſed with the propoſal, agreed to it, and at the head of an army, which (as ſome authors affirm) conſiſted

Suger in vit. Lud. Groſſi, p. 312, 313.

ſiſted of no leſs than two hundred thouſand men, prepared to penetrate into Champagne. Never was an enterprize better concerted, and never did France appear to be in more danger. But that kingdom was ſaved by a ſurpriſing concurrence of all the vaſſals of the crown to defend it, notwithſtanding the private quarrels, and ſeparate intereſts, which uſually kept them divided and broken into different parties. Since the time of Charlemagne there had never been known ſuch a perfect conſent of the ſeveral members that compoſed the French monarchy, to act together, as one body, under one head. Even the earl of Blois, ſo nearly related in blood to Henry, and who, for his ſake, was now engaged in a war againſt Louis, ranged himſelf under the banner of his ſovereign, againſt a foreign invader. The forces of ſo many princes, united to thoſe that were levied by the king himſelf from his royal domains, made up an army more numerous than that of the emperor, who had hoped to ſurprize Louis, and to find many of his vaſſals ill diſpoſed, or, at leaſt, indifferent to him: in which ſeeing himſelf ſo much diſappointed, he took the pretence of ſome diſorders in Germany, to turn his arms thither, and left the king of England to carry on the war, as well as he could, by himſelf. That prince had been ſtopt from making any incurſion upon the French borders, by Amauri de Montfort; or rather, agreeably to his accuſtomed caution and prudence,

dence, he delayed to advance, till he ſaw how the emperor would perform his engagements. And certainly, if, upon the retreat of the Germans, the king of France could have prevailed on his army to march againſt the dutchy of Normandy, he might have driven out Henry, and either have given it in fief to the ſon of Duke Robert, or annexed it to his royal domain. But Henry had in that army many powerful friends; and even his enemies made a diſtinction between the cauſe of the nation and the quarrel of the king. The vaſſals of France were not diſpoſed to oppreſs another vaſſal, and encreaſe too much the power of the crown. Henry's intrigues with the emperor were ſuſpected, but could not eaſily be proved: he had not been the aggreſſor in his war againſt Louis; but ſeemed to act on principles of ſelf-defence: the emperor alone was conſidered as making an offenſive war againſt France; and he being repulſed, the feudatories of the crown thought they had done all, that their duty to their ſovereign, or the general intereſt of the kingdom required. From the account given of it by an hiſtorian, who ſerved himſelf in the French army upon this occaſion, it does not appear, that the attacking of Henry in his dutchy of Normandy was ſo much as propoſed by Louis; though it was agitated in the council of war, whether, in revenge of the emperor's intended invaſion, they ſhould not immediately invade the empire. Henry being therefore left unmoleſted, the

V. Suger in vita Lud. Groſſi, ut ſupra.

the war ceaſed between him and the king of France, without the ceremony of any formal treaty of peace; and he remained quiet maſter of Normandy; where he endeavoured to ſtrengthen his government, by rigorous puniſhments, inflicted on thoſe who had revolted againſt him, and liberal rewards beſtowed on his friends. His only uneaſineſs was the want of an heir; for he had now but little hope of having one by his queen; and till the ſucceſſion was ſettled he knew that the ſpirits of his nephew's adherents would be kept up, and that every day which ſhould be added to his own age would leſſen his power, and carry the attention aud regards of his ſubjects towards that young prince. While he was diſturbed with theſe thoughts, the emperor, his ſon-in-law, died without iſſue, on the twenty-fifth of May, in the year eleven hundred and twenty five. Upon this event he immediately ſent for his daughter, whom he had always loved very tenderly, and who was become ſtill more dear to him by the loſs of her brother, with an intention, which diſcovered itſelf preſently afterwards, to make her heireſs of all his territories, if he ſhould die without a ſon. William of Malmſbury ſays, ſhe left Germany with ſome regret, and would have choſen to live there on her dower: but (if this be true) ſhe muſt have been ignorant at that time of her father's deſign: for certainly ſhe was of a temper to have exchanged very gladly her lands in the empire, where

A. D. 1125.

See Malmſb. hiſt. nov. l. i. f. 99. ſub ann. 1126.

ſhe could no longer hope to have any authority or ſhare in the government, for the reverſion of the kingdom of England. Her ſtrongeſt paſſion was pride; and the mere title of a dowager empreſs could not gratify that ſo agreeably, as the ſubſtantial enjoyment of royal power. It does not appear, that, after ſhe came to her father in Normandy, he took any meaſures to get her right of ſucceſſion acknowledged there; for he rather choſe, as it was an affair of much difficulty, to make the attempt firſt in England, where, from an habitual reſpect and obedience to his will, he was moſt ſure of ſucceſs; and hoped that the Normans would follow the example ſet by the Engliſh. Yet, ſtrong as his authority was in that kingdom, it was not without *great and long deliberation* (to uſe the words of William of Malmſbury) that the parliament would give their conſent to this ſettlement of the crown on a woman. But that conſent being obtained, all the barons and other members of that aſſembly, who were of any importance, did, in conſequence of it, at the requeſt of the king, ſwear to receive for their queen the empreſs Matilda, if he ſhould die without leaving a legitimate ſon: the archbiſhop of Canterbury firſt taking the oath, and after him the biſhops and abbots; then the king of Scotland, uncle of the empreſs, at the head of the laity, on account of the fiefs he held of the Engliſh crown; next to him Stephen of Blois, earl of Boulogne and Mortagne, and grandſon to William the Con-

Malmſb. ibidem.

Neubrigenſ. & Malmſb. ut ſupra.

Conqueror; in the third place Robert earl of Gloceſter, the eldeſt of King Henry's natural ſons; and then all the other barons. But betwixt the earl of Boulogne and the earl of Gloceſter there was a diſpute about precedence; not (as I apprehend) which ſhould be foremoſt to ſhew his zeal for Matilda's ſucceſſion (though that might be the pretence for it) but to determine a queſtion of the greateſt conſequence if ſhe ſhould die before the king, namely, which of the two was neareſt to the throne. And it's being now decided in favor of Stephen, on account of the illegitimacy of his competitor, was of no little ſervice to him afterwards, even againſt Matilda herſelf; as he was thereby acknowledged *firſt prince of the blood:* for the precedence given to the king of Scotland might be rather conſidered as a compliment paid to his royal dignity, than as having any regard to the relation he bore, by a deſcent from the line of the ancient Engliſh kings, to the crown of this kingdom. It alſo removed out of the way of Stephen a very conſiderable obſtacle to his ambition, by the diſcouragement it gave, in the eye of the public, to the earl of Gloceſter's pretenſions, who wanted not precedents, either in England or in Normandy, to authoriſe his aſpiring to the throne of his father, in default of lawful iſſue male. But a ſolemn determination, which aſſigned the precedence to the nephew of the king above his natural ſon, was a preju-

dication of the right of ſucceſſion in favor of the former.

Ord. Vital. ſub ann. 1127. This important affair being ſettled in this manner, to Henry's ſatisfaction, he ſaw with leſs uneaſineſs ſome clouds that were gathering in the French horizon at this time. Louis le Gros, to whom he obſtinately refuſed to do homage for the dutchy of Normandy in the accuſtomed form, partly on that account, and partly from ſentiments of generoſity and compaſſion, continued to protect his nephew William Clito; ſtrongly recommending the cauſe of that young prince to all the vaſſals of France, and entreating their aid to reſtore to him the dukedom, his unhappy father had loſt. The hopes of his party were revived by this ſupport; but they ſoon became very ſanguine, when, after a diſſolution of his contract of marriage with Sibylla of Anjou, Louis gave him, in her place, a ſiſter of his own queen, and, as a dower to that lady, the province called the French Vexin, with the three adjacent towns of Caumont, Mante, and Pontoiſe. Nor yet was this the moſt favorable change in his fortune. For, not long afterwards, Charles, ſurnamed the Good, earl of Flanders, having been murdered at Bruges by ſome of his ſubjects, Louis granted to this prince the inveſti-

Ord. Vit. et Huntingd. ſub ann. 1127. Malmſb. hiſt. nov. ſub eodem ann. ture of that earldom, to which, as being a great grandſon of Baldwin the Seventh, he ſeems to have had the beſt claim.

Henry

Henry was juſtly alarmed at this revolution. His nephew was now a much more formidable enemy than ever before. The dominion of Flanders, a rich and powerful ſtate, might probably give him the means of conquering Normandy, with the aſſiſtance of his many adherents there, after which an attempt on the realm of England itſelf might be made from both countries. Againſt this danger, which further confederacies might encreaſe, Henry ſaw, in that inſtant, no better ſecurity, than the corroborating of his alliance with Fulk earl of Anjou, by marrying his daughter to the ſon and heir of that prince. He might undoubtedly have found a much greater match for her, but he knew that no potentate, whoſe dominions were ſituated at a diſtance from his, could hurt or ſerve him ſo much as the family of Anjou; and preferring ſolid ſtrength to high and empty names, reſolved to ſecure their friendſhip, as he had done once before, by making his intereſt theirs in all events. But it is very ſurpriſing, that none of the hiſtorians who mention this match ſhould take any notice, that a diſpenſation for it had previouſly been obtained of the pope: for we cannot ſuppoſe it could have been made without one; becauſe there was exactly the ſame degree of relation between the ſon of the earl of Anjou and the daughter of Henry, as between Sibylla of Anjou and the ſon of Duke Robert, whoſe contract of marriage the pope had lately diſ-

See Ord. Vit. l. iv. p. 838. et l. xii. ſub ann. 1127. Malmſb. hiſt. nov. f. 59. l. i. S. Dunelm. p. 255.

See Gul. Tyrius de bello ſacro, l. xiii. c. 24. l. xiv. c. 1, 2.

ſolved, upon no other pretence than their being too nearly related.

While this alliance, which the publick was far from ſuſpecting, remained a matter of private negotiation between the two families, a contingency happened, which added much to the dignity of the Angevin family, and rendered the match more deſirable to Henry upon other accounts. Baldwin, king of Jeruſalem, the ſecond of that name, not having any male heir, ſent to offer the ſucceſſion to the earl of Anjou before-mentioned, on condition of marrying his eldeſt daughter. The cauſe of this unſollicited and unlooked for invitation was the high eſteem which the king, his nobles, and people, had juſtly conceived for that prince, who, not long before, had brought over into Paleſtine a hundred knights, for the defence of that country; and had ſo behaved himſelf there, that, notwithſtanding a great diſproportion in their age, he was thought the beſt huſband they could find for the princeſs. Though he knew to what perils her father's crown was expoſed, he did not long heſitate to accept a propoſal ſo honorable to him, but, generouſly ſacrificing his eaſe to his glory, reſigned all his ample territories in France to his ſon, Prince Geoffry Plantagenet, who had not yet attained his ſixteenth year, but in body and mind was more mature than is uſual at that age. We are told by ſome authors, that the ſurname of Plantagenet, which deſcended from this

Malmſb. hiſt. nov. Huntingdon. Chron. Sax. omnes ſub ann. 1127.

this Geoffry to many Engliſh kings, and became more illuſtrious than any other in Europe, was derived from a ſprig of heath, or broom, which he was accuſtomed to wear on the creſt of his helmet. The preſent poſſeſſion of Anjou, Touraine, and Maine, brought the treaty, then begun, between him and the king of England, for the hand of Matilda, to a ſpeedy concluſion. It had been carried on with ſuch extraordinary ſecrecy, that the news of it ſurprized, not only the king of France, but Henry's own council. The barons of England and Normandy were not pleaſed that a marriage, on which they thought they had a right to be conſulted, ſhould have been concluded ſo haſtily, and without their advice. But none of them dared to declare their diſcontent by any publick act, becauſe the power of the king was ſoon afterwards greatly ſtrengthened by favorable events.

Huntingdon. et Chron. Sax. ſub ann. 1127. et 1128. Ord. Vit. l. xii. p. 885, 886, 887.

The rigour with which William Clito, after he was made earl of Flanders, had taken vengeance on all the accomplices in the murder of his predeceſſor, though it was really a laudable act of juſtice, ſo exaſperated their friends, who were many and powerful, that, while he was employed in an attack upon Stephen, earl of Boulogne, they invited Theodorick, landgrave of Alſace, who had ſome pretenſions to Flanders, by right of inheritance, but in a degree more remote, to aſſert his claim, with their help. Whatever objections there might be

againſt his title, Henry, for his own ſake, was deſirous to ſupport it, and engaged the earl of Blois, his inſeparable ally, to accede to their league. Theodorick, thus encouraged, came from Germany into Flanders, with a good body of troops; and, immediately on his arrival, the faction, in purſuance of the promiſe they had made, delivered up to him Ghent, Liſle, and ſeveral other ſtrong towns; while Henry made a diverſion on the borders of Normandy, by which he drew off the French king, William Clito's beſt ally, from giving him aid in this war. Yet that prince, with undaunted courage, and by the reſources he drew from the zeal of his friends, ſupported his own cauſe; many Normans aſſiſting him, out of love to his perſon, at the expence of incurring a total forfeiture of their lands in the dutchy of Normandy. While he was at Ipres, a conſpiracy was formed, by ſome of the Flemings, to ſurprize, by night, the fort in which he lay, and kill him there. For the execution of this treaſon they had taken their meaſures ſo unſuſpected by him, and with ſuch advantages, that it probably would have ſucceeded, if it had not been diſcovered by a young girl in the town, with whom he privately carried on a love intrigue. Having been truſted with the ſecret by ſome of her family, ſhe could not help burſting into tears, at the ſight of her lover, in a viſit he made her; of which he earneſtly inſiſting to know the cauſe, and adding threats to entreaties, ſhe revealed to him

him the whole plot: whereupon he immediately aſſembled his friends, and taking with him his miſtreſs eſcaped out of Ipres: after which, to ſecure her againſt all future danger, he ſent her away to the court of William the Ninth, duke of Aquitaine, with whom he had contracted the cloſeſt and moſt inviolable league of friendſhip, by what was then called *a fraternity of arms*. To him he recommended his fair deliverer, and deſired him to procure her an honorable match. This act of gratitude being done, he got a ſentence of death to be legally paſt upon all concerned in the plot, as aſſaſſins and traitors, and laid cloſe ſiege to the caſtle or citadel of Aloſt, one of thoſe which had revolted from him to the landgrave, expoſing his own perſon, in every attack, with ſo much intrepidity, that he might have been blamed for his raſhneſs, if an exceſs of courage could ever be a fault in a prince, whoſe ſword was to cut him a way to the throne of a kingdom, which he looked upon as his birthright uſurped by another. The caſtle being reduced to the laſt extremity by theſe efforts, the landgrave, endeavouring to raiſe the ſiege, fought a battle, in which his troops at firſt were victorious; but William Clito, when he ſaw his men give ground, brought up a reſerve of freſh forces to their aid, and valiantly charging at the head of them himſelf defeated the enemy. After this glorious ſucceſs, returning immediately to the ſiege of the caſtle, he found at the gates a party of the garriſon, who had

made a ſally to aſſiſt their friends in the battle, and purſued them to the rampart; where, catching at a pike, which was held out againſt him by a common foot-ſoldier, he received a wound in his hand, which penetrated from thence to the wriſt, and, by an ill habit of body, or the unſkilfulneſs of his ſurgeons, turned to a gangrene, of which he died in five days.

Thus periſhed this brave prince, in the very flower of his age, and juſt at a time, when, after long contending with the malice of fortune, he began to have hopes of being raiſed to a greatneſs ſuperior to that of his moſt illuſtrious anceſtor, William the Conqueror himſelf. If he had ſurvived his uncle, he would, in all probability, have been earl of Flanders, duke of Normandy, and king of England. But he was cut off, with this flattering proſpect before him, and all the family of Duke Robert in him: for his new-married wife had not brought him any child. In this manner did Providence open a way to the future reſtoration of the Saxon royal blood in the poſterity of Matilda, King Henry's conſort, which the life of this prince might for ever have excluded from the throne of this realm.

A little before he expired he gave a ſtrong proof of the goodneſs of his nature: for he ſent a ſon of Odo biſhop of Bayeux, who, among other Norman gentlemen, diſaffected to his uncle, had followed his fortunes, with letters

letters to Henry written on his death-bed, in which he implored him to forgive whatſoever he had done to offend him, and receive his friends to mercy; an act of humiliation, to which his high ſpirit would never have ſubmitted, if it had not been ſoftened and ſubdued by the ſentiments of a heart, in which friendſhip prevailed over reſentment and pride. Henry was touched, or deſired to appear to be touched, by ſo affecting a meſſage, and treated all, who, in confidence of this recommendation, came and ſubmitted themſelves to him, with great kindneſs; advancing ſome of the moſt deſerving among them to the higheſt degree of his favor: for he well underſtood that he now had nothing to fear, and that, in certain ſituations, clemency is policy. As to the earldom of Flanders, though he might have claimed it himſelf from his mother Matilda, yet, he thought it wiſer, and more decent, after the part he had taken, to confirm the poſſeſſion of it to the landgrave of Alſace. Stephen earl of Boulogne, and ſeveral Norman barons who held lands in Flanders, were obliged by him to acknowledge the title of that prince, who, to ſtrengthen and confirm this political union by a family connexion, married Sibylla of Anjou; all which ſo intimidated the court of France, that, without doing homage for his dutchy of Normandy, Henry remained undiſturbed by any war with that crown during the reſt of his life. His great reputation was indeed a ſtrong bulwark to him and his people,

people, which kept them ſafe from attacks of foreign powers; and his temper inclined him to hold what he had got, in honorable peace, rather than run any hazards, or diſquiet his age, from an ambitious deſire of acquiring more. The chief object of his thoughts was how to ſecure the ſettlement he had made of the ſucceſſion to his crown in favor of Matilda. With this view, at his return from Normandy into England, after the death of his nephew, in the year eleven hundred and thirty one, he brought over that lady; and, in a very full parliament, held at Northampton, obtained an oath of fealty to her, as heireſs to his kingdom, from ſome of the barons, who, on account either of abſence or of nonage, had not yet taken that oath, and a renewal of it from thoſe who had engaged themſelves to her before her ſecond marriage. But ſhe herſelf did not eaſily ſubmit to a huſband ſo much below her own rank. This arrogance had produced a coldneſs between them: for he had a ſpirit which could not bear contempt, and was diſſatisfied with her father, for not having put him into immediate poſſeſſion of the dutchy of Normandy, or at leaſt of ſome part of it, as by the treaty of marriage he had been made to expect. But prudence on all ſides prevented theſe diſcontents from breaking out, at this time, into an open quarrel; and the earl having ſent to ſollicit the return of his wife into Anjou, ſoon after ſhe had received the homage of England, her father conſented, by the advice of his barons,

See Malmſb. hiſt. nov. f. 100.

An. D. 1135.

See Ord. Vit. p. 900.

Huntingdon. f. 220. l. vii. ſub ann. 1131. Brompton.

Diceto Abbr. Chron. ſub ann. 1135.

barons, to let her go to him, and ſhe obeyed without any apparent reluctance. In leſs than two years from that time ſhe brought him a ſon, who was named Henry, after his grandfather, the king of England, and lived to obtain the imperial crown of that kingdom, not by an eaſy courſe of inheritance or deſcent, but by making his way to it through infinite difficulties, and to wear it with a degree of power and glory ſurpaſſing that to which any of his royal predeceſſors had ever attained.

THE

THE HISTORY OF THE LIFE OF King HENRY the Second.

IN FIVE BOOKS.

BOOK I.

IN WHICH IS ALSO CONTAINED

The REIGN of King STEPHEN.

THE

HISTORY

OF THE

LIFE

OF

King HENRY the Second.

IN FIVE BOOKS.

BOOK I.

BOOK I. A. D. 1133.

HENRY PLANTAGENET was born at Mans, in March eleven hundred and thirty three. He had the advantage of being deſcended both from the Saxon and Norman kings of England. Yet it muſt be obſerved that he had not an hereditary right to the kingdom, by a lineal and regular courſe of ſucceſſion from the Saxon royal family. For the daughter of Margaret, Edgar Atheling's ſiſter, could not inherit her rights before her ſons; and therefore neither Matilda, the wife of Henry the Firſt, nor her daughter, the mother of Henry Plantagenet, were lineal heirs

See Diceto Abb. Chron. p. 505. Ord. Vit. p. 763.

heirs to the Saxon crown: but after the death of Edgar it must have devolved to David king of Scotland, and to his posterity after him. Nevertheless the relation of Henry Plantagenet to the Saxon royal blood was enough to capacitate him to succeed to the government, according to the ancient customs of England, which have already been explained in the preceding book. King Henry, his grandfather, met with no difficulty, in bringing all the bishops and barons of that kingdom to take an oath of fealty to him, as heir to the crown after the death of Matilda, and to repeat that which twice before they had taken to her. This was done the same year in which the young prince was born; and Normandy followed the example of England, though it does not appear that the Normans had before concurred with the English in acknowledging Matilda's right of succession; there being no mention in any author who lived near those times of their having bound themselves to it by any feudal engagements: but the birth of her son, and the triumphant state of King Henry's affairs, induced them now to agree with him, in settling their dutchy, as he had settled his kingdom. The following year, his brother Robert died, in the castle of Caerdiff, pitied, but not regretted.

See Diceto Abbr. Chron. p. 505. Hoveden, f. 275. Hagustalden. p. 312.

Upon the decease of this prince, preceded by that of his only child, William Clito, the elder line of the royal family being extinct, Henry believed, with the most assured confidence,

dence, that no competition could be able to ſhake the ſettlement he had made. And during the courſe of the two following years, two younger ſons, named Geoffry and William, were born of Matilda: ſo that the happineſs of the king, her father, would have been now compleat, if it had not been diſturbed by a domeſtick uneaſineſs. The earl of Anjou, his ſon-in-law, who was juſt of an age to entertain the moſt eager deſires of ambition, felt and expreſſed much reſentment, at not being admitted to ſome preſent ſhare of dominion in Normandy, with an expectation of which, it ſeems, he had been flattered, when his marriage was concluded. But Henry, like his father, eſteemed it good policy, to throw out hopes of that nature when occaſion required, and defer their accompliſhment as long as he poſſibly could. *He was not inclined* (ſays one of the beſt contemporary hiſtorians) *to make any perſon his maſter, or even his equal, either in his houſe or in his government, carefully attending to the words of divine wiſdom, that no man can ſerve two maſters.* It may reaſonably be preſumed that the promiſe was given with ſome ambiguity, or under ſome limitations, which afforded a pretence to deny or delay the performance: but Geoffry claimed it as abſolute; and after having waited ſome time to no purpoſe, began to encourage ſeditions in Normandy, and endeavour to form a party there for himſelf. Nor did he only offend his royal father-in-law by theſe intrigues, but ſhewed ſo

Ord. Vit. p. 900. l. xiii.

Ord. Vit. ibidem.

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little reſpect for him, even in family points, that upon a diſpute with the viſcount of Beaumont, one of his own vaſſals in the earldom of Main, who had married a natural daughter of the king, he treated that lord with the utmoſt ſeverity, and burned his caſtle to the ground. Matilda was far from acting the decent part of a mediatreſs between him and her father. With the title of empreſs ſhe retained all the pride of that dignity, and could but ill endure to ſee herſelf ſunk into a counteſs of Anjou. This haughty diſdain of her huſband, and perhaps, a deſire to hold her future power independent on him, made her inflame, inſtead of moderating, the king's diſpleaſure againſt him.

See Hunting. et Hoveden, in fine H. I. An. Waverlen. ſub ann. 1135.

Henry was ſo diſquieted and alarmed with apprehenſions of what theſe broils might produce, that he durſt not leave Normandy, though advice was ſent to him, from his adminiſtration in England, of the Welſh infeſting his borders. To the vexation this gave him ſome hiſtorians of that age impute his death, which by others is aſcribed to a ſurfeit of lampreys; and it might be owing to both; for though he was uſually temperate in eating and drinking, that kind of food, which, we are told, was particularly diſagreeable to his conſtitution, meeting with a habit of body diſordered by a great diſturbance of mind, might be very noxious to one ſo aged as he was, eſpecially when his blood had been heated

A. D. 1135.

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heated with hunting. Thus far we know, that having dined upon that fiſh, after his return from a chace in the foreſt of Lyons near Rouen, he was ſeized with a fever, which, on the ſeventh day from the time of his being taken ill, put an end to his life. When he found himſelf dying, he declared, in the preſence of Robert earl of Gloceſter, his natural ſon, and a large aſſembly of nobles, who came to know his laſt will, that he bequeathed both England and Normandy to his daughter Matilda, and to her poſterity after her, in a perpetual legitimate ſucceſſion; not taking any notice of the earl of Anjou, her huſband. Then having performed very decently all acts of religion preſcribed by the church of Rome, he expired, with marks of contrition and penitence, on the firſt of December, eleven hundred and thirty five, the ſixty ſeventh year of his age, and the thirty ſixth of his reign.

Huntingdon et Hoveden ibidem. Haguſtald. ſub ann. 1135. Ord. Vit. p. 991. l. xiii. Malmſb. hiſt. nov. f. 100.

I ſhall not enlarge on his character in this place; as I deſign to compare it, in the concluſion of my hiſtory, with that of his grandſon. He was, without queſtion, a great man, and upon the whole a good king. It is from his reign we muſt date the firſt regular ſettlement of the Anglo-Norman conſtitution. A rough draught of it indeed had been ſketched out by Wiliam the Firſt; but was defaced by his tyranny and by that of his ſucceſſor: Henry gave it conſiſtency, ſtrength, and duration.

See Joh. Haguſtal. p. 258. de geſt. Reg. Steph. p. 309, Ord. Vit. l. xiii. p. 902, 310. Geſt. Reg. Steph. l. i. Malmſb. f. 91. l. v. Huntingdon, l. viii, f. 221.

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The principle of it was founded in *liberty*, as fealty and homage were not unconditional, but were always underſtood to require a return of protection and of juſtice; the obligation being reciprocal between the lord and the vaſſal in every degree of ſubinfeudation: a policy inconſiſtent with any idea of *right divine* in a tyrant. It had alſo this inherent and eſſential advantage, that the very ſervice required of the military vaſſals neceſſarily put arms into the hands of almoſt all the conſiderable landholders. Nevertheleſs it was faulty in many points of great moment, and particularly in this, that the commons of England, till long after theſe days, were much overbalanced in property and power by the clergy and the nobles. The royal authority was too weak in ſome reſpects, and too ſtrong in others; nor were the bounds of it well fixed, or clearly defined. The kind of ſovereignty exerciſed by the barons over their vaſſals, however ſubordinate in the ſenſe and intention of the law to that of the crown, in fact encroached upon it a great deal too much; from whence there aroſe perpetual ſtruggles between them and the king, which kept the ſtate in a ferment very unfavorable to agriculture, commerce, and arts. It muſt be alſo obſerved, that the temper of the nation was, by the military genius of this conſtitution, ſo impelled to war, that, when they were not led out, to make it in foreign countries, they naturally fell into civil commotions: and thus a ſpirit of conqueſt, however im-

Chron. Sax. p. 537. ad ann. 1135.

improper to our inſular ſituation, and deſtructive to that which ought to be the ſole ambition of England, the encreaſe of its trade, was rather encouraged than reſtrained in our kings by their parliaments; and ſome of the beſt of thoſe kings engaged in unneceſſary wars on the continent, leſs perhaps from a deſire of acquiring new dominions, than of preſerving tranquillity in thoſe of which they were poſſeſt.

The *middle powers* interpoſed between the crown and the people were indeed ſo many barriers raiſed againſt deſpotiſm: but the abuſe of theſe powers, when not properly controuled by a vigorous exerciſe of the royal authority, was ſometimes as oppreſſive as deſpotiſm itſelf; and the people then ſuffered all the evils of ſlavery, under the appearance of freedom, without the advantages of union and concord, which monarchies pure and unmixed are framed to procure.

Yet though from theſe, and many other defects or faults, which will be diſtinctly marked out in the courſe of this work, the plan of government ſettled by Henry the Firſt was very imperfect, and far leſs eligible than that under which we now live, he ſeems to have modelled it as wiſely, as the ſtate of the nation, and the general temper of thoſe times, could well admit. Gradual improvements were made upon that plan; ſome by his grandſon, Henry Plantagenet; but the original faults of it were not wholly removed, till many centu-

ries after, when great alterations having happened in the balance of property, from many cauſes combined, a more *extenſive*, more *equal*, and more *regular* ſyſtem was happily eſtabliſhed.

It has been the ſingular fortune and wiſdom of England, that whereas France, Spain, and other realms, in which much the ſame feudal policy had heretofore taken place, have through an impatience of the oppreſſions which the people often ſuffered from the nobility, deſperately run into abſolute monarchy, or have been compelled to yield to it by force of arms; in the change which has gradually happened in ours, all that exceſs of power, which the nobles have loſt, has been ſo divided between the crown and the commons, that the whole ſtate of the kingdom is much better poiſed, and all encroachments of any one part on the other are more effectually reſtrained. Yet ſtill *the beſt principles* of the ancient conſtitution, and ſome of the *great outlines* remain, viz. the legiſlative power in the king, and general aſſembly of the nation; the executive in the king, but under an obligation of adviſing with the parliament, as his great council; a right in that aſſembly to call the miniſters of the crown to account, and repreſent to the king the intereſts, the complaints, and the deſires of his people; a privilege in the ſubject to be exempt from any arbitrary or illegal taxations; trials by juries, and other good cuſtoms, derived from our Saxon anceſtors, and confirmed

firmed by the charter of King Henry the First. Nor can we refuſe ſome grateful praiſe to the memory of a prince; under whoſe auſpices thoſe rights were eſtabliſhed, which, at the diſtance of more than ſix hundred years, are the great baſis whereon our freedom is founded.

THE meaſures Henry had taken to ſecure his dominions to his daughter and grandſon would have ſucceeded, if human prudence could always regulate the changeable courſe of events. But they were defeated by accidents which it was impoſſible for him to foreſee, and by the perfidy of thoſe upon whoſe faithful attachment to him and his family he had the greateſt reaſon to believe he might ſafely depend. It happened that his daughter, at the time of his death, was in Anjou with her huſband, employed in ſome important buſineſs of that province. The earl of Gloceſter, her natural brother, who by his great abilities and credit in England might have maintained her intereſts in that kingdom, was alſo abroad, being detained in Normandy, as executor to the will of his father in his Norman affairs. Their abſence at this criſis inſpired Stephen earl of Mortagne and Boulogne with the hopes of gaining the crown; or (which is more probable) only facilitated a deſign he had formed, during the life of King Henry, in

A. D. 1135. K. Stephen.

Malmſb. hiſt. nov. l. i. f. 101.

Ord. Vit. l. xiii. p. 901.

concert with his brother the biſhop of Wincheſter. He was of the royal family, being a grandſon of William the Firſt, by Adela, his fourth daughter: and therefore, if he had been nominated by the late king, with the conſent and approbation of parliament, or if no other had been ſo nominated, he might have been capable of ſucceeding to the crown, according to the principles of the Anglo-Norman conſtitution, in preference to Matilda, or to his own elder brother, Thibaud earl of Blois, who had not, like him, been naturalized in England. He was alſo allied to the Saxon royal family; having married Matilda, the daughter of the earl of Bologne by Mary of Scotland, a younger ſiſter of Henry's firſt wife; ſo that ſhe and the empreſs were firſt couſins, and deſcended equally from the princeſs Margaret, ſiſter to Edgar Atheling. But from all theſe pretenſions he was cut off by the ſettlement, which Henry had made with the concurrence of parliament; and more eſpecially by his own act; having no leſs than three times, in the ſight of the whole nation, ſworn to maintain the ſucceſſion of the empreſs, before and after her marriage with Geoffry Plantagenet, and on the birth of her ſon Henry, to whom alſo he took an oath, as heir to the kingdom after her deceaſe. But all theſe engagements were too weak to reſtrain his ambition, which opportunity tempted and inflamed. To the guilt of perjury he added that of the blackeſt ingratitude; for his uncle had

See Malmſb. hiſt. nov. f. 100. Dicet. Abbr. Chron. p. 505. Hoveden, p. 275.

had beſtowed many favors upon him, having procured for him a match by which he obtained the earldom of Boulogne, one of the richeſt in Europe, and ſome very conſiderable poſſeſſions in England, given by William the Firſt to the family of the lady he married. Henry had alſo conferred upon him other liberal grants of honors and lands within this realm, had given him in Normandy the earldom of Mortagne, and had made his younger brother abbot of Glaſtenbury and biſhop of Wincheſter. But benefits heaped on ambitious men are no ties to ſecure their fidelity: they only enable them, when their intereſt requires it, to hurt their benefactors. All theſe riches and dignities were ſo many ſteps, by which Stephen was aſſiſted to mount that throne, which his gracious maſter had deſigned to leave to Matilda.

Indeed that deſignation was liable in itſelf to great objections, had any oppoſition been made to it at the proper time. For there ſtill remained in that age inveterate prejudices againſt the idea of a female dominion. In all the hiſtory of the Anglo-Saxons, ſince the firſt day of their ſettling in Britain, there is but one inſtance of a lady's being allowed to ſucceed to the crown, viz. Sexburge, the wife of Cenwalch king of the Weſt-Saxons. She reigned but a year, and Matthew of Weſtminſter ſays, *ſhe was expelled with diſdain by the nobles, who would not fight under a woman.* This account is the more credible, becauſe if we look back to the

See Matth. of Weſtminſter, ſub ann. 672.

the firſt origin of monarchical power in all the German nations, we ſhall find that among them the office of a king grew from that of a general, and always implied a military command; for which the ſofter ſex being leſs fitted by nature, they might therefore be ſuppoſed improper to reign. From the diſſolution of the heptarchy down to this period the crown of England was never, either by deſcent or election, placed on a female head. Nor had the Normans any example of the ſovereignty among them being veſted in a woman, from the foundatiom of their dukedom in France; or in the kingdoms of Denmark and Norway, from whence they came: ſo that Matilda's ſucceſſion was no leſs a novelty to them than to the Engliſh. Accordingly, an ancient hiſtorian relates, that, when the biſhops and barons ſwore fealty to Stephen, they declared it as the cauſe of their taking that engagement in direct violation of former oaths, *that it would be too ſhameful a thing if ſo many noblemen ſhould ſubmit to a woman.* It muſt, however, be obſerved, that, ſome time before this, fiefs had begun to deſcend to females, in default of heirs male. The earldom of Boulogne was thus acquired by Stephen himſelf, in right of his wife; and we find many other inſtances of it in France. On this foundation, doubtleſs, King Henry ſuppoſed, that, if he ſhould die without a ſon, his daughter might be capable of ſucceeding to his dutchy, and even to his crown. But, though the Normans had admitted

See Mat. Par. P. 71.

mitted a female ſucceſſion in private eſtates, they had not yet applied that rule of law to their dukedom; and it was more difficult ſtill to extend it to the inheritance of the imperial crown of England. Ancient and rooted opinions, of the unfitneſs of a female hand to wield a ſceptre, would not eaſily yield to arguments of analogy, drawn from a late practice in private ſucceſſions, or even in principalities that were under a feudal ſubjection. The excluſion of women from reigning over the French is, by ſome of the beſt of their lawyers and hiſtorians, ſuppoſed to be rather founded upon an unwritten cuſtom, derived from the temper and genius of the nation, than upon any written law: and the temper and genius of the Normans and Engliſh had certainly appeared, hitherto, no leſs repugnant than their's to the idea of being ruled by a diſtaff. Nor do we find that our anceſtors made any diſtinction at this time, as the French afterwards did in the diſpute that aroſe upon the death of Louis Hutin, between the ſucceſſion to fiefs and the ſucceſſion to the crown. They put England and Normandy upon the ſame foot: Matilda's right to both was acknowledged during the life of her father, and denied to both after his death. Probably, during his life, complaiſance had a greater ſhare in the part they took than conviction: But, whatever their opinions might have been at that time, as no force was uſed, their oaths were binding, and they could not recede from them

BOOK I.

See Will. of Malmſb. hiſt. nov. l. i. f. 99.

them after his deceaſe without being perjured. Indeed a contemporary hiſtorian relates, that he often had heard the biſhop of Saliſbury ſay, "The oath he had taken to the empreſs was "void; becauſe he had ſworn on condition, "that the king ſhould not marry her to any "perſon out of the kingdom, without his "advice and that of the other barons; whereas "none were adviſers of her match with the "earl of Anjou, nor privy to it, except the "earl of Glocester, her brother, Brian Fitz-"comte, a natural ſon of the earl of Rich-"mond, and the biſhop of Liſieux." But the ſame author adds, that he diſtruſted the veracity of the biſhop of Saliſbury in what he ſaid on this ſubject, thinking, that he accommodated his diſcourſe to the times, and ſought a pretence to vindicate his own conduct. Whether the firſt oath to Matilda was really taken upon the condition this prelate aſſerted, or not, the marrying her to a foreigner, without the conſent or knowledge of parliament, was a matter at which the nation might juſtly be offended: and it is difficult to conceive why her father ſhould deſire to conclude ſuch an affair in ſo ſecret a manner; unleſs he feared ſome obſtruction on the part of the king of France, which made it neceſſary to avoid the publick notoriety, that muſt have attended a parliamentary deliberation, or was conſcious that his barons (whoſe opinions, in thoſe days, generally guided the judgement of the whole parliament on affairs of this nature) were

were not very favorably diſpoſed to the match. But yet this omiſſion, however exceptionable it might be in itſelf, could not be alledged at this time to invalidate Matilda's right of ſucceſſion; becauſe they had twice *ſince her marriage with Geoffry* bound themſelves to maintain it by the moſt ſolemn oaths, the laſt of which they had taken both to her and her ſon. In order to get over this difficulty, Stephen prevailed on Hugh Bigot earl of Norfolk, to ſwear before the archbiſhop of Canterbury, that Henry had, in his preſence, releaſed his ſubjects from thoſe oaths. That king had, in reality, confirmed them by his laſt will, verbally declared, in the preſence of all the lords who were with him in Normandy: but theſe not being yet returned into England, the falſhood remained uncontradicted till Stephen was fixed in his throne. The improbability of it was enough to diſcredit it among men of ſenſe: but it anſwered the purpoſe of thoſe who wanted a pretence for electing that prince; and there is nothing too groſs for a party to believe. If there were any incredulous, they were ſilent through fear of the prevailing faction, or bought off with part of the treaſure left by Henry in the caſtle of Wincheſter. It amounted in money to a hundred thouſand pounds, equivalent to fifteen hundred thouſand at preſent, beſides a vaſt quantity of jewels and plate. The obtaining of this was deciſive in favor of Stephen, and he owed it entirely to the intrigues of his brother,

BOOK I.

See Malmſb. hiſt. nov. l. i. f. 100. Dicet. Abbr. Chron. p. 505. Hoveden, p. 275. See Gervaſ. ſub ann. 1135. p. 1340. Geſt. Steph. Regis, p 929.

Malmſb. f. 101. hiſt. nov. l. i. Thom. Rudborn. hiſt. Winton. p. 284.

ther, Henry de Blois, biſhop of Wincheſter, who gained the biſhop of Saliſbury and William de Pont de l'Arche, to whoſe joint cuſtody their late maſter had committed his treaſure.

Malmſb. ibidem, f. 104.

The biſhop of Saliſbury in thus deſerting Matilda broke every bond of human ſociety: for no man in the whole kingdom, not Stephen himſelf, had been ſo highly obliged to Henry, who took him into his ſervice when he was only a curate in Normandy, during the reign of William Rufus, and finding him dextrous in buſineſs, eſpecially in the management of money affairs, grew ſo fond of him, and put ſuch an unlimited confidence in his fidelity, that when he came to the crown he firſt made him his chancellor, then biſhop of Saliſbury, and at laſt grand juſticiary, by which high dignity he was, on the demiſe of the crown, the conſtitutional guardian and regent of the kingdom. Thus it fell out, that, Henry dying abroad, and Matilda being abſent, the whole ſtrength of the government remained in his hands; and had he kept his engagements, it would not have been in the power of any other to defeat her ſucceſſion. What induced him to betray her, we are not told: but this we know, that he obtained of the king, immediately after his coronation, the town of Malmſbury for himſelf, the office of chancellor for his natural ſon, and that of treaſurer for one of his nephews, whom he had before made biſhop of Ely. Probably theſe

See Hunting. l. vii. p. 219. c. 10. Liber Rameſienſis, l. 279. Spelman's Gloſſary, ſub JUSTICIAR. ANGLIÆ.

Malmſb. hiſt. nov. l. i. f. 104.

theſe were the terms upon which he had treated with the biſhop of Wincheſter to ſell himſelf to Stephen, who was ſo ſenſible how neceſſary it was to buy him, that in a confidential diſcourſe about him, with ſome of his own friends, he uſed this expreſſion, "By the nativity of God, if he were to aſk of me "one half of my kingdom, I would grant it "to him, *till this ſeaſon be paſt*. He ſhall "himſelf be tired of aſking ſooner than I "will of giving." Idem ibidem.

Theſe words are remarkable, and very expreſſive of the character of this king. In bargaining for the crown, he thought no price required of him too great; but, *when that ſeaſon was paſt*, he meant to take other meaſures; and the biſhop of Saliſbury himſelf was one of the firſt who felt the effects of this intention. The biſhop of Wincheſter, who had been the chief inſtrument in ſeducing that prelate from his loyalty to Matilda, was almoſt as powerful by the force of a bold and extraordinary genius, as the other was by his office. William archbiſhop of Canterbury, being a man of a feeble mind and mean parts, gave way to him in all things; and he acquired ſuch an influence over the clergy, that he abſolutely governed the Engliſh church, though there never was a mind leſs ſuited than his to the duties of a churchman. But profuſe liberality, princely magnificence, the courage of a ſoldier, the addreſs of a courtier, and the cunning of a ſtateſman, with a peculiar dexterity

rity in the management of a party, ſupplied the want of all Chriſtian and epiſcopal virtues, which he hardly deigned even to counterfeit, except in pretending an ardent zeal for religion. By every art of cabal and of corruption, he ſuſtained, he cemented, he animated, he directed the faction of his brother; and to his abilities, more than to his own, did Stephen owe the crown he gained. Yet that prince had himſelf ſome popular qualities, which might well recommend him to the favor of the nation. He was brave, affable, good-natured, and generous, in the higheſt degree. Having received his education in the Engliſh court, he had formed many connexions of acquaintance and friendſhip among the nobility, and had rendered himſelf agreeable to the people, not only from policy, but from the bent of his temper, which naturally inclined him to let down his dignity and conform his manners to theirs. The citizens of London were particularly affectionate to him, and ſaluted him as king, at his return from Boulogne, where he happened to be at the time when his uncle died, and from whence, upon an early intelligence ſent him of that event, he paſt over to England with all poſſible expedition. Another advantage to him was, that the Welſh having revolted before the death of Henry, and remaining unſubdued, the preſent circumſtances of the ſtate appeared to require a warlike prince on the throne. The ſex of Matilda and the infancy of her ſon were

Malmſb. f. 101. hiſt. nov.

Geſta Regis Stephani inter ſcript. Norm. p. 1, 2, 3.

A. D. 1135.

were deemed on this account to be weightier objections, than they might have been in a time of ſettled tranquility. Geoffry Plantagenet was at a diſtance, and not well beloved either by the Normans or Engliſh: Stephen was preſent, poſſeſſed of the general affections of both, and thought much more capable of governing a kingdom, than the only certain teſt of that kind of capacity, experience of him in government, afterwards ſhewed him to be. The precedence given to him above the earl of Gloceſter by King Henry himſelf, when that earl had diſputed it with him in the face of all England, appeared to mark him out as neareſt to the crown of all the Engliſh peers, if the claim of Matilda was ſlighted. And the glory of the houſe into which he had married gave him an additional luſtre. For Euſtace earl of Boulogne, who ſerved under William the Conqueror at the battle of Haſtings, having married the ſiſter of Godfrey duke of Brabant, had by that lady four ſons, of whom the eldeſt, Godfrey of Bouillon, was eſteemed the beſt ſoldier, and the moſt virtuous gentleman, of the age in which he lived. The conqueſt of the Holy Land being made under his conduct, he was choſen, in preference to all the other princes who engaged in that enterprize, to be the firſt Chriſtian king of Jeruſalem. But, though he accepted the office, he rejected the name, ſaying, "He thought it too much preſumption "for him to wear a crown of gold, where his

Ord. Vit. l. ix. p. 757. Gul. Tyr. de bello ſacro, l. ix. c. 5.

"Redeemer had worn a crown of thorns." Baldwin and Euſtace, his brothers, partook with him the honor of the cruſade; at the concluſion of which Euſtace returned to Bologne, and wiſely governed that earldom: but Baldwin ſtaid in the Eaſt; where he was firſt made earl of Edeſſa, and then, on the death of Godfrey, elected his ſucceſſor in the kingdom of Jeruſalem, which he ruled with viciſſitudes of good and bad fortune, but with ſuch a conſtant magnanimity, that his renown was almoſt equal to that of his brother. At the deceaſe of this king it was propoſed that the crown ſhould be given to Euſtace, and an embaſſy was immediately ſent to invite him to come and receive it; upon which he went as far as Apulia on his journey to Paleſtine: but hearing there that his couſin Baldwin de Burg had been elected king of Jeruſalem he renounced his own pretenſions, rather than excite a civil war in that kingdom; an inſtance of moderation which did him more honor, than he could have gained by the acquiſition of that or a much greater dominion. This prince leaving no ſon, his daughter Matilda, who was married to Stephen after the death of her father, brought to her huſband, not only the earldom of Boulogne, and an alliance, from her mother, with the Engliſh and Scotch royal blood, but the veneration that was paid to her father and uncles by the whole Chriſtian world. All theſe advantages concurred to facilitate his way to the throne; but all

Gul. Tyr. l. xii. c. 3.

theſe together would not have been ſufficient to eſtabliſh him in it with the conſent of the nation, bound as they were by repeated oaths to another ſucceſſion, if he had not allured them, and ſilenced all their ſcruples, by an engagement, in which the biſhop of Winchester was his ſurety, to make ſome conceſſions demanded by the barons and people of England, and grant to the clergy ſuch favors and privileges, as they had wiſhed in vain to extort from his predeceſſors. This he not only ratified by an extraordinary oath, which he took at his coronation, and by a general charter, confirming that of King Henry the Firſt and the laws of Edward the Confeſſor; but, ſome time afterwards, by another given at Oxford, in which all the particulars of his oath were ſet down. By one clauſe of it he ſettled the bounds of his foreſts, and gave up all the additions that had been made to them in the reign of his predeceſſor: in others he promiſed to redreſs all the abuſes, unlawful exactions, or any other wrongs that the people had ſuffered from the officers of the crown; to maintain peace and juſtice; and to confirm *the good laws* and *ancient and equitable cuſtoms of the realm in judicial proceedings*. The laws of King Edward the Confeſſor are not expreſsly named in this charter, as they had been in the former given at London; but they were undoubtedly underſtood to be deſcribed by theſe words. All the other articles regarded the clergy, to whom the king very amply con-

Malmſb. hiſt. nov. f. 101. ſub ann. 1135. Huntingd. ſub eodem. See alſo Stephen's charters in the Appendix.

BOOK I. firmed all the liberties, privileges, and dignities of the church, with all the lands and poſſeſſions, which, either by grants, or in any other manner, had been acquired by it after the death of King William his grandfather, or had belonged to it on the day when that monarch died; only reſerving to himſelf the deciſion of any claims, antecedent to the term abovementioned, of which the church was not actually in poſſeſſion. He alſo aſſured them, that he neither would do, nor ſuffer any thing to be done, ſimoniacally; permitted biſhops, abbots, and all other clergymen, to diſpoſe of their goods by will; and if any ſhould die inteſtate, he allowed that all they left ſhould be diſtributed as the church ſhould adviſe and direct, for the benefit of their ſouls. The lands and revenues of all vacant ſees he promiſed to put into the cuſtody of the clergy, or eccleſiaſtical officers belonging to the dioceſe where the vacancy happened, till it ſhould be ſupplied according to the canons. Theſe were great favors: but he went further ſtill, and bound himſelf to commit all power and juriſdiction over the perſons and property of eccleſiaſticks to the biſhops themſelves: a conceſſion deſtructive to the civil authority and the moſt inalienable rights of the crown. It is, however, obſervable, that in the concluſion he declares, that he grants the whole *with a ſaving of his juſt and royal dignity*; a clauſe not inſerted in any other charter, either before, or after, this; and which

which might be ſo conſtrued, as to invalidate all the liberties he had granted. Probably, the clergy ſaw this, and therefore declared, in the oath they took to him, *that they would only obey him while he preſerved the liberties of the church and the vigour of diſcipline.* It is very ſurpriſing that he ſhould give them leave to clog their allegiance with ſuch a reſerve: as he could not but diſcern that the tendency of it was to make him their ſlave, not their king: for *the vigour of diſcipline*, in their ſenſe of thoſe words, ſignified very little leſs than an abſolute power, to be exerciſed by themſelves, over all perſons and affairs. But he was ſollicitous to gain them on any terms, knowing what an influence they had on the people, and how much he wanted their friendſhip. To get his election confirmed by Rome was likewiſe a matter he had greatly at heart; and, ſome time before he held the aſſembly at Oxford, he obtained from Pope Innocent the Second a bull to that effect. We find, from the words of it, that it was procured for him by the joint interceſſions of the archbiſhops and biſhops of England and Normandy, of his brother the earl of Blois, and of the king of France. There is alſo an anecdote in ſome manuſcript letters of Gilbert Foliot biſhop of London, that diſcovers the pretence upon which it was granted. Matilda princeſs of Scotland, King Henry's firſt wife, and mother of the empreſs, had been bred in the nunneries of Wilton and Rumſey, of which Chriſtiana, her

See it in the Appendix from Ric. Hagulſtald. p. 313, 314. V. Append. from the Cave Manuſcript. Epiſtol. Gilb. Foliot. epiſc. Lond. in Bibliothecâ Bo[illegible]anâ V. Eadmeri hiſt. nov. l. iii. p. 56, 57, 58.

her aunt, was abbeſs, and had appeared there, at certain times, in the habit of a nun. This, when her marriage with the king was in treaty, occaſioned ſome difficulty; upon which ſhe declared to Anſelm, that ſhe had taken no vows, nor ever had an intention of engaging herſelf in a monaſtick life; but had worn the veil in mere obedience to the will of her aunt, and only in her preſence. The reaſon ſhe gave, why that princeſs had deſired her to wear it, was, that ſhe ſuppoſed it would protect her againſt the ſeductions of the Norman nobility, very dangerous at that time to the honor and chaſtity of all Engliſh ladies. She further aſſured the archbiſhop, that her father, King Malcolm, ſeeing it once on her head, was ſo much offended, that he pulled it off, and tore it to pieces. Anſelm would not determine the point himſelf, but called a council at Lambeth, and ſubmitted it to their judgement. Proof being made before them, that all which Matilda affirmed was true, they unanimouſly declared, ſhe was at liberty to diſpoſe of herſelf as ſhe pleaſed; and, to ſupport their opinion, alledged the authority of archbiſhop Lanfranc in a ſimilar caſe. For, during the firſt impreſſions of conſternation and terror, that followed the victory of William the Conqueror at the battle of Haſtings, ſeveral Engliſh virgins had gone into nunneries and put on the veil, as a guard to their chaſtity againſt the luſt of the Normans; but afterwards, when peace was more quietly ſettled,

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Lanfranc, being aſked, whether they ought to be kept to a monaſtick life, anſwered in the negative, unleſs they deſired it, from their own choice, at that time. And this determination the council applied to the caſe of Matilda, only obſerving, that her plea was certainly better than that of thoſe virgins; becauſe they of their own accord had taken the veil, but ſhe by conſtraint. The archbiſhop thereupon declared himſelf ſatisfied; and all the nobility and people of England being aſſembled ſoon afterwards on account of the marriage, he very fully informed them of the grounds of the ſentence, which the clergy had given, and adjured them to declare, if they ſaw any reaſon to diſſent from that judgement: but all having approved it, the ceremony was performed by Anſelm himſelf. Yet notwithſtanding this deciſion of the whole church of England, confirmed by the unanimous ſenſe of the nobles and people; and the entire acquieſcence of ſeveral popes, through the whole reign of King Henry, in the legality of the marriage; it now was deemed unlawful by the ſee of Rome; and Matilda's right to her father's crown was ſuppoſed to be void on that account; though ſhe alſo had ſubmitted the merits of her cauſe to the judgement of the pope, and ſent the biſhop of Angers to plead it before him, againſt the embaſſadors commiſſioned by Stephen. Gilbert Foliot, who then was abbot of Gloceſter, and happened to be preſent himſelf in a coun-

cil which Innocent held on this buſineſs, tells us, that, after her advocate had done all the juſtice he could to her title, which he reſted on two points, her right of inheritance, and the oaths taken to her, it was urged on the contrary, that her right of inheritance being the principal ſtrength of her cauſe, and the other only ſecondary, if the firſt was removed, the other would neceſſarily fail; that the oath taken to her had been taken as to the lawful inheritrix of the crown; but that ſhe could not be ſuch, becauſe ſhe was not born in lawful wedlock; her father having married one whom it was unlawful for him to marry; and therefore ſhe ought not to ſucceed to his kingdom. Foliot adds, what is ſurpriſing, that to this argument no anſwer was made by the biſhop of Angers. Probably, he did not expect the objection, and ſo had not prepared a proper reply to it, being, perhaps, not ſufficiently apprized of the fact. Yet he could not but know, that Henry, and Matilda, the mother of the empreſs, were married by Anſelm: and might therefore have obſerved, as Foliot does in his letter on this ſubject, that a prelate, who was then in the odour of ſanctity, would not have married them, if there had been any religious objection againſt it. The pope took advantage of his ſilence to decide in favor of Stephen; but it is very remarkable, that by none of our writers, not even by the author of the Acts of King Stephen, who is the moſt partial to that prince,

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is any notice taken of this plea having been brought in defence of his claim. Nor did Innocent mention it himſelf in his bull. From whence, I think, we may infer, that, whatever weight Stephen's friends might give to it at Rome, they were convinced it would be of no uſe to him in England, where all the circumſtances of the caſe were well known. And, certainly, if the princeſs had taken any vows, Henry would not have married her without having obtained a diſpenſation from Rome, which, on account of the great benefit attending a match ſo neceſſary to unite the Normans and Engliſh, would not have been refuſed by any pope; eſpecially as the requeſt would have been ſupported by the prevailing interceſſion of Anſelm. We may therefore conclude that there was really no valid objection againſt the legitimacy of Matilda's birth. Nevertheleſs, the bull which Innocent had granted to Stephen, how groundleſs ſoever it might be, was very pernicious to the intereſt of that princeſs, whoſe ſtrongeſt ſupport, either with the Engliſh or Normans, was the reverence due to the ſolemn oaths they had taken, from which the guide of their faith and director of their conſciences now ſet them free. Indeed ſuch a ſanction given to perjury is hardly to be found in all the hiſtory of mankind! What aggravated ſtill more the indecency of it was the great obligation that Innocent perſonally had to King Henry, whoſe protection and friendſhip had procured him the

Annales Waverl. ſub ann. 1130.

the advantage of being favorably received in France, when the antipope Anaclet had driven him from Rome. It is really wonderful, that, ſo ſoon after the death of his royal benefactor, he ſhould do all in his power to defeat the ſucceſſion which that prince had eſtabliſhed, and to deprive his poſterity of his kingdom, without regard to repeated oaths, the moſt ſacred and moſt awful ties of religion. Stephen indeed had done much more than his uncle, or any wiſe king would ever do, to court the Roman ſee. For beſides the many conceſſions he made to his clergy, in which the intereſts of that ſee were concerned, Innocent himſelf declares in the bull, *that it was granted to him in conſideration of his having promiſed obedience and reverence to St. Peter on the day he was conſecrated*; words of a dangerous import, and which too eaſily might be conſtrued to imply ſomething more than a mere ſpiritual ſubmiſſion to Rome.

Thus did this prince acquire, or rather purchaſe, the crown, by ſuch condeſcenſions, both to the papacy, and to his own ſubjects, as much impaired the dignity of it, and made it ſit very uneaſily and looſely on his head. The biſhops, who ſaw that he was in ſervitude to them, purſued their advantage, and in the firſt parliament held by him at London, after he had received the homage of the barons, made many ſtrong and vehement ſpeeches, ſetting forth, that under the reign of his predeceſſor, King Henry, the church had been grievouſly en-

Geſta Steph. Regis, p. 932, 933.

enſlaved and oppreſſed, and earneſtly exhorting him to reſtore her to liberty, *give her a compleat, uncontrouled juriſdiction over all her own members, allow her inſtitutions to be preferred to all laws of ſecular powers, and her decrees to prevail againſt all oppoſition or contradiction.* This was going even beyond the terms of his charter, or at leaſt it explained what was there more ambiguouſly worded. Nor had ſuch a language been ever held before to an Engliſh monarch in parliament. Nevertheleſs, he heard it with patience, and gave his aſſent to it, in the preſence of the whole nation, as far as he could by general words, without paſſing any act in the form of a law. The wiſdom of the legiſlature was not ſo corrupted, nor ſo entirely over-powered by the madneſs of the times, as to give a legal authority to ſuch propoſitions: but the clergy made uſe of the king's unwiſe complaiſance, and proceeded upon it, to arrogate to themſelves a total independence on the civil authority, which they had long deſired, but had not dared ſo openly to aſſert, till they brought in this prince, not to govern, but to ſubject the kingdom of England to them and to Rome. Yet, notwithſtanding the boundleſs facility which appeared in his conduct, he really deſigned to ſhake off, not only the fetters which they had impoſed upon him, but all other reſtraints: for he was no ſooner in the throne than he had recourſe to a method of government, which evidently tended to ſet him above the controul of

Malmſb. hiſt. nov. f. 101. l. i. Gerv. Chron. p. 1340. R. Haguſtald. de geſt. R. Steph. p. 312.

of the laws, and abſolutely ſubvert the liberty of the realm.

Germany, France, and the Low Countries, were at that time infeſted with bands of ſoldiers, drawn out of ſeveral nations, but chiefly from Brabant, Flanders, and Bretagne, who profeſſed themſelves independent of any particular country or government, and ſerved for hire and plunder, wherever they believed that there was moſt to be gained. They were under the command of ſome able officers, and conſtant employment had rendered them expert in their buſineſs, and intrepid in danger; but they were as licentious as brave. A great army of theſe, in the firſt year of his reign, did Stephen bring into England, by means of the treaſures his predeceſſor had left, without any apparent neceſſity, or any warrant for it in the advice of his parliament; and joined to them ſome Engliſh, who diſliked the ſettled peace of a legal and limited monarchy, wiſhed for publick confuſion, and hoped to riſe on the ruins of their country. This force, the moſt odious that can poſſibly be conceived, he made the chief ſupport of his government; which was ſuch an affront to the honor, and ſuch a violation of the rights of his people, as might alone have been thought ſufficient to diſſolve their allegiance. It had been one of the greateſt complaints againſt William the Conqueror, that, whereas, at certain times, upon the alarm of invaſions, he brought into England more troops than the feudal tenures there

there could regularly maintain, he kept them up unconnected with the body of the nation, quartering them upon convents or the lands of his tenants, and illegally raiſing immenſe ſums for their pay. William Rufus alſo hired many mercenary ſoldiers, without the ſame excuſe of neceſſity, merely to ſupport a deſpotick authority in times of peace; and the expence he was loaded with, in maintaining theſe forces, was the principal cauſe of his extortions, as William of Malmeſbury has obſerved. But at the reſtoration of liberty, under the government of Henry the Firſt, this grievance ceaſed. He hired no foreigners to ſerve him in England, but ſettled the whole military force of his realm on the plan of the feudal conſtitution. When Stephen thought proper to depart from that plan, and govern by foreign mercenaries, he acted rather like an enemy who came to ſubdue, than a prince who had been choſen to guard and preſerve, a well-eſtabliſhed kingdom. Yet ſo unaccountable was his conduct, that, after taking this meaſure, he permitted all his barons (including even the biſhops) to build caſtles on their lands, under a notion of better defending the country againſt any attempts of Matilda. But, when he put ſuch a truſt in their affection and fidelity, why did he think that his government could not be ſafe without the ſupport of a foreign ſtanding army? Or, if he could not confide in the loyalty of his ſubjects, why did he ſtrengthen their hands againſt himſelf?

Malmſb. f. 69, & 17.

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himſelf? His policy was wrong in every light, and he did not underſtand how to govern, either as a lawfull prince, or as a tyrant.

The ſpirit of the nation would not ſo patiently have endured his foreign army, if his profuſe liberalities had not bought the acquieſcence of the principal nobles, and corrupted thoſe whom his ſoldiers could not fright. But the means of that corruption ſoon failing by the indigence he was reduced to, the peace of his realm was deſtroyed by the very methods he had taken to ſecure it, and his whole life was rendered one diſmal ſcene of affliction and diſhonor, to him and his people.

Gerv. Chron. ſub ann. 1136.

Geſta Steph. Regis, p. 933, et ſeq. R. Haguſtald.

The firſt commotions indeed, which were only excited by particular men, who had ſet up little tyrannies in their own diſtricts, and rebelled rather againſt the law than againſt the king, without any general concert or publick cauſe, were ſoon overcome. Such was Robert de Batthenton, who, immediately after the deceaſe of Henry, had made his caſtle a den of thieves; and ſuch the earl of Devonſhire, Baldwin de Redvers, whom Stephen drove out of England, after having taken from him the city of Exeter and the iſle of Wight. Againſt a revolt of this kind the natural power of the crown and the valour of the king were more than ſufficient: but theſe light diſturbances were ſoon followed by others more alarming, and which ſprung from a more extenſive and dan-

dangerous root. It was the characteriſtick of Stephen *to promiſe largely and perform nothing*. He paid no regard to either of his charters. The foreign army was a great and perpetual object of national jealouſy and diſſatisfaction. The offence this gave was ſtill aggravated by the exceſſive favor ſhewn to William of Ipres, the general of theſe troops; who, being a grandſon of Robert le Friſon earl of Flanders, but illegitimate, had abetted the murder of Charles the Good, his couſin-german, in hopes of ſucceeding to the earldom after the death of that prince; but was driven from thence by William Clito and Louis le Gros, who alſo deprived him of his town and caſtle of Ipres. To reſtore his broken fortune, he put himſelf at the head of theſe mercenary bands, among whom his treaſon was no diſcredit to him; and brought them to Stephen; who overlooked his moral character, or did not believe that he was guilty of the crime which was laid to his charge. By flattering counſels and bold execution he ſo effectually recommended himſelf to his maſter, that he ſoon obtained his chief confidence, to the great mortification of the Engliſh nobility, who found themſelves almoſt excluded, by the influence of this ſtranger, both from the civil and military government. Such provocations would have raiſed the reſentments of a nation, much more paſſive than this, againſt a prince with a better title than that of Stephen. The prior claim of Matilda and of Henry her ſon was now re-

Malmſb. hiſt. nov. l. i. f. 101. Huntingdon, l. viii. f. 221. Gerv. Chron. p. 1346.

Vid. Sugeri Abb. lib. de vit. Lud. Groſſi Reg. p. 316.

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remembered again by many of the barons. The earl of Gloceſter, who diſcerned theſe diſpoſitions, worked upon them in ſecret; patiently waiting for the ſeaſon to act with advantage, and preparing the minds and affections of men to a revolution in favor of his ſiſter and nephew, before he openly declared for their cauſe. The ſudden change, which had happened in England after the death of his father, and while he was buſied in the affairs of Normandy, had ſo confounded and ſtunned him, that for ſome time he did not know what meaſures to take; all the engagements and oaths to his family having been at once diſregarded, and all the friends of King Henry, to whoſe hands he had entruſted the greateſt power in his realm, having no longer deliberated whether they ſhould deſert his daughter and his grand-ſon, than till they had made their own terms with the earl of Bologne. To have gone over to England, as head of a party in oppoſition to Stephen, when no ſuch party exiſted, would have been raſhneſs and folly, which might have ruined the earl of Gloceſter, but could have done no ſervice to his ſiſter.

Malmſb. hiſt. nov. l. i. f. 101, 102.

That princeſs indeed might reaſonably have expected a ſtrong aſſiſtance from Scotland: but though David, her uncle, as ſoon as he had intelligence of Stephen's election, had declared for her title, which he had ſworn to ſupport, and by a ſudden attack had made himſelf maſter of all Cumberland and Northumberland,

Ric. Haguſtal. de geſtis Steph. Reg. ſub ann. 1136. Joh. Haguſt. ſub eod. ann.

thumberland, except the town and caſtle of Bamburg, obliging the gentry there to take oaths of allegiance to her as their ſovereign; yet thoſe fair beginnings had not a happy concluſion. For Stephen, having aſſembled a very great army with the utmoſt expedition, marched at the head of it to Durham, and prevented the ſiege, which the Scotch were then preparing to lay to that town. David intimidated at the ſight of a force much ſuperior to his, and finding that none of the Engliſh declared for Matilda, as he had hoped they would do, retired to Newcaſtle, and made there a treaty with Stephen, by which he agreed to reſtore to him all he had taken, except Carliſle: but as Henry prince of Scotland pretended a right to inherit Northumberland from his grandfather, Earl Waltheoff, Stephen promiſed that he would not diſpoſe of that earldom to any other lord, without having judicially determined his claim. He alſo gave him the earldom of Huntingdon, notwithſtanding the pretenſions of Simon de St. Liz earl of Northampton. That nobleman was eldeſt ſon to the mother of the prince of Scotland by her firſt huſband, to whom ſhe had brought the two counties: but after his death, upon her marrying David, King Henry, out of regard and affection to him, divided her inheritance, and granted the earldom of Huntingdon to him and her iſſue by this ſecond marriage; which grant Stephen now confirmed and added to it Carliſle; the king of Scotland

V. Ingulph. f. 513. n. 30.

desiring that his son should possess them, rather than he himself, because he was unwilling to do homage to Stephen, on account of the former oath by which he had bound his fealty to Matilda.

This accommodation was not very honorable to the character of David, who, in agreeing to it, sacrificed the cause of his niece, which he had engaged to maintain, and vainly endeavoured to clear himself of breach of faith, by refusing to accept in his own person the advantages, which he gained at her expence, and making them over to his son. Stephen was happy in thus recovering all the Scotch had surprized, except Carlisle, of which he had still the feudal sovereignty; and (what was yet more important at this juncture of time) obtaining a peace on that side, from which he had most to fear, with regard to his safety on the throne he had gained. The earl of Gloucester considering it as the entire defeat of all his sister's hopes in England, at least for the present, determined to go thither, and submit to the king: but he made that submission under such a reserve, as seemed evidently to provide and lay in a claim for a future revolt, paying his homage with this condition expressed in the oath of fealty, *that he should be no longer bound by it than Stephen kept his engagements with him, and preserved to him his dignity unhurt and entire.* It was an act of great weakness and folly in the king, to admit of his homage with so dangerous a change of the usual

Malmsb. hist. nov. l. i. f. 101.

uſual form: but it has before been obſerved, that he had committed the ſame fault with regard to his biſhops: for he looked no further than to the eaſe of the preſent hour, and deſired, at any rate, to compound with or buy off oppoſition. We find the name of the earl of Gloceſter among the ſubſcribers to the charter at Oxford; and he continued a year in England, artfully ſounding the diſpoſitions of thoſe who were beſt inclined to his ſiſter, and ſecretly forming the plan, upon which he might act, if the conduct of Stephen and future accidents ſhould give him any means of doing her ſervice. In the ſpring of the year eleven hundred and thirty ſeven both he and the king went over to Normandy.

That dutchy had followed the example of England in ſubmitting to Stephen; but the empreſs had friends there, with whom her brother was ſuſpected of caballing in private againſt the government of that prince. In conſequence of this ſuſpicion, though the fact was not proved, William of Ipres was ſecretly ordered to arreſt him, and had ſuggeſted a method how to do it ſecurely: but Stephen perceiving, by the earl's not coming to court, that his deſign was diſcovered, confeſſed it to that lord, and ſwore to him in words which were dictated by him, that he would never again entertain ſuch a purpoſe. The archbiſhop of Rouen was moreover made a ſurety for the good faith of the king in his future A. D. 1137.

proceedings towards the earl: but no ſecurity could remove the ſuſpicions that each of them had conceived of the other, or give any ſincerity to a reconciliation diſquieted by inceſſant doubt and diſtruſt.

See J. and R. Hagustald. sub ann. 1137.

About the end of the year Stephen was obliged by new troubles to return into England. The king of Scotland, notwithſtanding the peace he had concluded not long before, had raiſed an army with intention to fall on Northumberland, which he claimed in behalf of his ſon: but moſt of the barons of England having marched to Newcaſtle, in order to oppoſe his invaſion, and negociations enſuing through the mediation of Thurſtin, archbiſhop of York, he conſented to ſuſpend any further hoſtilities till Stephen ſhould return. This alarm of a ſtorm gathering againſt him in Scotland brought back that prince, with no ſmall anxiety and diſturbance of mind: for he was not inſenſible that many of the Engliſh were diſpoſed to revolt from him; and therefore prudently dreaded another war on his borders. Yet he would not buy a peace by any greater conceſſions than he had made in his laſt treaty. Soon after his landing, embaſſadors came to him from David, with orders to demand the earldom of Northumberland for Henry, prince of Scotland; which he peremptorily refuſed. Indeed the claim was ill founded: for, though the mother of Henry was heireſs to Waltheoff earl of Northumberland, yet,

yet, as that nobleman had ſuffered for high treaſon, his earldom was forfeited, and could not legally deſcend from him to his daughter. Stephen had hoped, and ſurely not without reaſon, that by the addition of Carliſle to the earldom of Huntington, which he had confirmed to Prince Henry, he ſhould, for ſome time at leaſt, have continued unmoleſted with further demands from that court: but it was the expectation of a great inſurrection in England, and an intelligence there with the friends of Matilda, that made David deſirous to take up any pretence for commencing hoſtilities. As ſoon therefore as Stephen had rejected his ſuit, he declared war againſt him; and laid ſiege to Weark caſtle: but, after ſome time had been loſt in fruitleſs aſſaults of that fort, he abandoned the enterpriſe, and ravaged all the open country as far as the Tyne, in a moſt inhuman manner; his army committing there ſuch barbarous outrages, as are not to be paralleled by any we read of, even in the irruptions of the Coſſaques or the Tartars. The farms and villages they firſt plundered, and afterwards ſet on fire; nor did the churches themſelves eſcape their rage. They murdered the ſick and aged in their beds, infants at the breaſt, and prieſts at the altar. Women in childbed or pregnant they alſo killed, with circumſtances of cruelty too ſhocking to be mentioned, and carried into captivity the widows and virgins, whom they drove before them in crowds, bound together

Vid. Johan. et Ric. Haguſtald. ſub ann. 1138. See alſo Ailred. de bello ſtandardi, p. 318, et Huntingdon, et Ord. Vit. ſub ann. 1138.

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with cords, and ſtript naked. When any of theſe were fainting with anguiſh and fatigue, the ſoldiers goaded them on with the points of their lances.

It ſeems ſtrange that the humanity, for which David was famous, did not reſiſt ſuch horrid acts: but he found it uſeleſs to forbid what he could not prevent; the greater part of his army being impatient of diſcipline, and having been drawn to his ſtandard by the mere deſire of plunder; particularly thoſe who came out of Galloway, which then contained all the country ſituated to the ſouth or ſouth-weſt of the Clyde, from Glaſgow as far as to the borders of England. The inhabitants of this region, being either a remainder of the Cumbrian Britons (as ſome authors affirm), or (as others ſay) of the Iriſh, planted there in ancient times, had been but lately ſubjected to the dominion of Scotland, and paid that crown a very imperfect obedience, living under their own chiefs, and retaining ſtill their own manners, which were ſavage and ferocious. Hence it was, that a province, which David claimed the poſſeſſion of in right of his ſon, and ſhould therefore have ſpared for his ſake, was almoſt deſtroyed by an army which he himſelf commanded. Indeed theſe outrages hurt the whole party of Matilda, by the general hatred they excited in the Engliſh againſt her confederates.

While

While Northumberland was thus waſted, King Stephen was detained in the ſiege of Bedford caſtle, which the ſons of Robert de Beauchamp held valiantly againſt him above five weeks; but, through the mediation of his brother, the biſhop of Wincheſter, it was at laſt given up, and he marched from thence to the north. On his aproach, at the head of a great and regular army, David haſtily retired within his own borders. The Engliſh purſued him; and, when he found they had advanced almoſt as far as to Roxborough, he ſuddenly quitted that town, and took poſt not far off, in the midſt of a moraſs very difficult of acceſs, where he hoped to lie undiſcovered. But he left behind him ſome troops, which he contrived to conceal in vaults or other ſecret places; and commanded the citizens to open their gates to the Engliſh, intending, about midnight, to bring up his whole army, and ſurprize his enemies in their ſleep, by the help of the citizens, and of the ſoldiers who remained within the walls.

Ord Vit. ſub ann. 1138. Johan. et Ric. Haguſtald. ibidem. Ailredi hiſt. de bell. ſtandardi, ibid.

It is ſaid, that many of the nobles, who ſerved under Stephen, were accomplices in this plot. The danger from it to that prince was therefore very great. But, inſtead of going to Roxborough, he paſſed the Tweed, above that town, and waſted a good part of the lowlands of Scotland with fire and ſword, in revenge for the depredations of the Scotch in Northumberland; till finding that David would

not, by any provocations, be brought to a battle, and beginning to want provisions for the subsistence of his army, he returned into England, with the glory of having driven the Scotch from thence, and braved them in their own country.

R. Hagustald. sub ann. 1138. p. 317.

One of the contemporary authors assigns another reason for this retreat, namely, that many of the English soldiers, out of a scruple of conscience, refused to bear arms during Lent: a circumstance which denotes the genius of the times, wherein, though religion had but a very small influence, superstition had a great one, over the minds of the people.

Whether any information had been given to Stephen, before he passed the Tweed, of the conspiracy formed in his own army against him, or of David's intention to surprize him in Roxborough, is uncertain: but there is reason to suppose, that his retreat was accelerated by some suspicion of this kind, and that he intended to renew the war after Easter, unaccompanied by those barons, whom, he thought, he could not prudently venture to trust: but he found England in a state which prevented his purpose. That kingdom now laboured under all the evils, that an administration both infirm and tyrannical could bring upon it; and those malignant symptoms, which are the certain prognosticks of the most dan-

Malmsb. hist. nov. f. 102. l. i.

dangerous and fatal convulſions, began to appear in all its members. Stephen was ſoon taught by grievous experience, how unſafe it is for a king to depend upon a loyalty which he has *bought*. The begging of new grants, and with an inſolence that would brook no denial, became the ſole buſineſs of moſt of the nobility who attended his court. The more he laviſhed upon them, the higher and more importunate were their demands: they deſpiſed him for what he had given, and were ready to make war upon him for what he refuſed. Matilda's friends worked underhand on the avarice and pride of theſe men; while thoſe who had any ſentiments of affection for their country were moſt juſtly offended at the enormous profuſeneſs, which thus exhauſted all the wealth of the crown, for the ſupport of an illegal and arbitrary power. They ſaw their liberty, upon the baſis of which their ſovereign had ſeemed to erect his throne, violated by him, and oppreſſed by foreign arms, brought over, in order to ſerve, not the crown, but the king; not againſt foreign enemies, but againſt his own people. Matilda appeared to them the only deliverer that could be able to break their chains; and they looked back to her, with a return of affection and tenderneſs, which ſprung from a remembrance of the good government they had enjoyed under the reign of her father, and a compariſon of it with that of his ſucceſſor.

The

The earl of Gloceſter, who had long waited till theſe inclinations ſhould be ripened, thought it now time to draw the ſword. But, before he would proceed to any hoſtilities, he ſent the king a meſſage from Normandy, by which he notified to him, that he renounced all fidelity and friendſhip towards him, and held himſelf free from the homage he had done him, both as he (Stephen) had unjuſtly uſurped the crown, and as he had violated his faith to him. What was the breach of faith thus complained of in general words, we are not informed; but it is probable the earl had ſome act to alledge, upon which he might plauſibly ground this charge. He alſo pleaded his former oath to Matilda, and the nullity of that he had taken to Stephen againſt the ſacred obligation of a prior engagement. To give more weight to this plea, he produced a decree he had obtained from the pope, which enjoined him *to obſerve the oath he had taken in the preſence of his father*. The authority of this *apoſtolical ſentence* (as it was then called) moſt effectually aſſiſted the cauſe of Matilda, and virtually abſolved all the barons of England and Normandy from their oaths to King Stephen.

That the ſame pope, who had confirmed the election of that prince, ſhould have been ſo ſoon afterwards perſuaded to annul it, is very ſurprizing! I cannot diſcover, by any other proof, that the friendſhip betwen them had

had been ever interrupted, from that time to this. On the contrary, Stephen had lately received from this pontiff a very particular favor; his brother, the biſhop of Wincheſter, upon the death of William Corboil archbiſhop of Canterbury, having obtained the commiſſion of legate in ordinary for the kingdom of England, which had never before been granted to any Engliſh biſhop, but the abovementioned primate. Nor did Innocent by his ſubſequent behaviour denote any change in his ſentiments: for this very year he ſent over into England the biſhop of Oſtia, as his legate *a latere* to that king; which was owning his title. I am therefore greatly at a loſs to know how to account for the abovementioned decree, unleſs we ſuppoſe it inadvertently given, upon a caſe of conſcience ſo ſtated as not to diſcover to his Holineſs the intended application. By whatever means the earl of Gloceſter procured it from the pope, he very wiſely and ſucceſsfully availed himſelf of it, both to juſtify his own conduct, and to bring others back to the allegiance they alſo had ſworn to his ſiſter. His defiance of Stephen was immediately followed by the revolt of Briſtol, Dover, and Leeds, which he had received from the king, his father, and of ſome other towns which were in the cuſtody of his kindred and friends, particularly Shrewſbury, Ludlow, and Hereford. The king of Scotland likewiſe, in concert with whom he now acted, as ſoon as he had celebrated the feſtival of Eaſter, made another

H. of Huntingdon. Ord. Vit. ſub ann. 1138.

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Joh. et Ric. Hagustald. sub ann. 1138.

another incursion into Northumberland; and his barbarous army ravaged the maritime parts of that earldom as they had done the western side in their former invasion. From thence they marched along the coast almost as far as Durham, destroying the whole country and its defenceless inhabitants with the same inhumanity, from which it was not in the power of their sovereign to withhold them. So little respect did the licentious Galwegians pay to his orders, that a dispute and a tumult having arisen among them about a woman, who, probably, was one of their captives, they openly threatened to turn their arms against him: but while he was in great fear on account of this mutiny, an alarm was spread in his camp, perhaps by himself, that a very formidable English army was coming against them, upon which they retired towards Scotland in the utmost confusion. When the report was discovered to be groundless, he laid siege to Norham with the more orderly part of his forces, and sent these barbarians with some other irregulars, under the conduct of William, a son of his nephew Duncan, to penetrate into Yorkshire. They laid all the western part of that country waste, advancing as far as Clitheroe, where they were opposed by a body of English, whom they entirely defeated and cut to pieces. The garrison of Norham, intimidated by the defeat of their countrymen, and despairing of relief, surrendered to David, who offered to restore the town and castle to the

Ric. Hagust. p. 318.

the biſhop of Durham, under whom they were held, if he would take part with Matilda; which that prelate refuſing, the king demoliſhed the place, and ſat down before Weark, the garriſon of which had cut off his convoys while he was employed in other operations: but, as he found there a much more obſtinate defence than at Norham, after ſome loſs of men he raiſed the ſiege, leaving two of his barons, with their vaſſals and followers, to hinder the garriſon from infeſting the country or receiving ſupplies. From thence he proceeded to the caſtle of Bamburg, which alſo appeared unaſſailable by his forces at this time; but one of its outworks he took; and having deſtroyed all the corn about this and other forts, which he propoſed to reduce, with leſs difficulty, by famine, about the end of July he paſſed the Tyne, and advancing to Durham reſted his army in the lands of St. Cuthbert, till he ſhould be rejoined by the Galloway detachment, and to wait the arrival of other irregular forces, which he had collected, not only from Cumberland, and the regions near to that country, but alſo from the moſt diſtant parts of his kingdom. When theſe ſupplies were come up, he found himſelf at the head of above ſix and twenty thouſand men, including ſome bands of Engliſh horſe, which ſerved him as confederate with the empreſs Matilda. Among theſe were noblemen of high diſtinction; particularly Euſtace Fitz-John, who had been in great truſt and favor with

Alfred, de bello ſtandardi, p. 337.

R. Haguſtald, p. 319, 320.

with King Henry; but Stephen, ſuſpecting him of holding a treaſonable correſpondence with David, had, at his return out of Scotland, arreſted him in his own court, and without any proof of his guilt, or form of a trial, compelled him to ſurrender his caſtle of Bamburg. Yet he did not go far enough, either to puniſh the treaſon he ſuſpected, or ſecure himſelf from it. For, upon the delivery of the caſtle of Bamburg, he releaſed Euſtace, and ſuffered him to retain two other fortreſſes of no leſs importance, Alnwick in Northumberland, and Malton in Yorkſhire. Whether that baron was really engaged in a correſpondence with David before, as ſome authors affirm, or, as others ſay, was provoked to revolt againſt Stephen by this injury done him, he now joined the Scotch with no ſmall number of his own vaſſals, as did likewiſe Alan de Percy, a natural ſon of the great baron who bore that name. David thus ſtrengthened propoſed, either to ſubdue, or lay waſte and depopulate, the whole north of England; while the friends of Matilda, being favored by the diverſion he made in thoſe parts, might act with advantage in others, and, as he ſhould advance nearer to them, unite their forces with his; which would enable them to overwhelm thoſe of Stephen. Nor did it ſeem poſſible for that prince, by any means, to prevent this deſign. After a vain attempt upon Briſtol he had taken Cary-caſtle, and ſoon afterwards Hereford, without any great dif-

Geſt. Steph. Regis, p. 941, 942.
Ord. Vital. ſub ann. 1138.

difficulty; but was now employed where he met with a more valiant reſiſtance, in beſieging the town and caſtle of Shrewſbury, maintained by William Fitz-Alan, who had married the earl of Gloceſter's niece. If he marched from thence into Yorkſhire, he feared that the counties bordering upon Wales, and indeed all the Weſt of England, would revolt to that earl, who had powerful connections and intereſt there; nor did he dare to call away that part of his forces, which then was employed, under the orders of his queen, in defending Kent, and the ſouthern coaſts of his kingdom. Yet the depredations and cruelties of the Scotch were ſo terrible, that to leave his ſubjects expoſed to them, without any aſſiſtance, would, he thought, be an indelible ſtain on his honor, and force them to ſeek that protection, he could not, or would not afford them, in a ſubmiſſion to Matilda. He had alſo cauſe to ſuſpect, that many of the nobility, in other parts of the realm, waited to declare for her, or for him, as they ſhould ſee the king of Scotland ſucceed. In this dilemma, which indeed was very perplexing, he ventured to commit the defence of the north to the northern barons themſelves, with the vaſſals they could raiſe, ſending only a body of horſe, under Bernard de Baliol, who was himſelf of that country, to their aſſiſtance. Before this ſuccour arrived, they had aſſembled together at York, to adviſe and conſult what to do, in this exigence, when the approach of ſo formi-

Ric. Haguſt. p. 320, 321. ſub ann. 1138.

dable

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dable and cruel an enemy ſeemed to threaten their whole country with utter deſtruction. Their forces apparently were not ſtrong enough to fight with the Scotch; they had no probable hopes of any immediate aid from the king; and, what was ſtill worſe, they had hardly any confidence in one another, a general ſuſpicion of treaſon prevailing among them. This ſtate of things ſo diſcouraged and ſunk their ſpirits, that they were almoſt ready to give up any hope or thought of defence, when the archbiſhop of York, both as lieutenant to the king in thoſe parts, and as their ſpiritual guide, made them a noble and animating ſpeech; in which he vehemently exhorted them to fight for their country, and more eſpecially for the church, which the ſacrilegious Scotch had not ſpared in their depredations; giving them confident hopes of victory from the favor of Heaven, and aſſuring them, that to all who ſhould die in this cauſe death would be, not a misfortune, but a happineſs. He concluded by telling them, that he would ſend all the pariſh prieſts of his dioceſe, with their crucifixes in their hands, and dreſſed in their holy veſtments, to go with them into the field; and that he intended, God willing, to accompany them himſelf.

Neubrigenſis, l. i. c. 5. Ric. Haguſt. p. 320, 321. ſub ann. 1138.

This oration, delivered with a force and authority that ſeemed to have in it ſomething divine, had a wonderful effect upon his audience; and Bernard de Baliol happening to come at that inſtant with a reinforcement from the

the king, which, though not very conſidera-
ble, was more than they expected, their ſpirits were raiſed, in the ſame degree as they had been dejected before; and they unanimouſly reſolved to go back to their ſeveral manors, call out their vaſſals, and at the head of them return to York, as the moſt proper place for a general rendezvous. This being done with very great expedition, the archbiſhop, deſirous to keep up and improve the religious impreſſions, by which he had chiefly revived their courage, appointed a faſt of three days; at the end of which, having firſt heard their private confeſſions, he gave them a publick and general abſolution, with his epiſcopal benediction. Then, notwithſtanding his great age and infirmity, which obliged him, wherever he went, to be carried in a litter, he would have gone with them againſt the Scotch. But they, after much difficulty and many entreaties, compelled him to ſtay and put up his prayers for them at home. However, he ſent all his vaſſals along with them, and likewiſe his croſier, and a banner conſecrated to St. Peter. Nor did he forget the pariſh prieſts, whom, as he had promiſed, he ordered to attend them in all their formalities, together with his archdeacon, and one of his ſuffragans, Ralph biſhop of the Orkneys, which iſlands then were not ſubject to Scotland, but belonged to the crown of Norway.

There was indeed a neceſſity to employ all the aids that religion could give, and even to

raiſe a degree of enthuſiaſm in the Engliſh troops, who, after the damp, which the late defeat of part of their forces at Clitheroe had left on their minds, were going to fight with a victorious army, that almoſt trebled their numbers, ſtrengthened by a large body of their own countrymen, and led by a great king, who was aſſiſted by officers formed under the diſcipline of Henry the Firſt, and by a courageous young prince, whoſe valour his very enemies praiſed and admired. Nor could any thing leſs than the moſt ſolemn ties of religion remove the diſtruſt that the barons had conceived of each other's fidelity. Accordingly we are told, they all thought it neceſſary to take an oath, that they would not forſake one another, but would conquer or die together. The chief of theſe were William earl of Albemarle, Robert de Ferrers, Gilbert de Lacy, Walter de Gant, William de Percy, Geoffry Harcelin, William Peverel, William Foſſard, Richard de Curcy, Robert de Stuteville, Bernard de Baliol, and Robert de Bruce, names that deſerve to be recorded in hiſtory, for the honor they gained in this action. Robert de Bruce was an old man of very eminent dignity, valour, and prudence. He had lived from his youth in the Scotch court, and been high in the favor of David, who, beſides other preſents, had given him a barony in the province of Galloway; but, upon this occaſion, preferring the duty he owed to his country before all other ties, he joined the Engliſh, with a ſtrong

Ric. Haguſt. p. 321.

Idem, p. 320. et Ailredus de bell. ſtandardi.

ſtrong body of excellent ſoldiers. Roger de Moubray, a young boy, was alſo, the better to encourage his vaſſals, brought along with them. He was the ſon of Nigel de Albiney, who, at the battle of Tinchebray, killed Duke Robert's horſe, and took him priſoner, for which and other great ſervices he received from King Henry the forfeited lands of Robert de Moubray earl of Northumberland, who had been condemned for high treaſon againſt William Rufus. Together with the eſtate this infant baron inherited the title of Moubray, and was at this time the king's ward. But the man, whoſe counſels they all regarded moſt, was Walter Eſpec, a gallant old officer, of a very extraordinary ſtrength and ſtature, who, from his long experience in the art of war, joined to a moſt amiable and venerable character, was revered as a father and obeyed as a general by the whole army, the direction of which is by ſome of the beſt contemporary writers aſcribed to him; though the earl of Albemarle, from his rank and high birth, muſt, I ſuppoſe, have had the chief command. As they marched towards the enemy, they ſent Bernard de Baliol and Robert de Bruce to the king of Scotland, who had not yet left the biſhoprick of Durham, to perſuade him to deſiſt from his ravages, upon an aſſurance, that they would obtain from their ſovereign the county of Northumberland for Prince Henry his ſon. In all probability, Bernard de Baliol had brought inſtructions and

V. Monaſtic. Ang. Vol. ii. 193. A. N. 20. 40. vol. i. 128. B. Gemiticen. 296. B. et Dugdale's Baronage.

V. Auth. citat. ut ſupra.

Ric. et Johan. Haguſtald. ſub ann. 1138.

powers from Stephen to make ſuch an offer, but ſo as to have it appear, that it aroſe from his barons, rather than from himſelf. David, who had more conſiderable objects in view, received the propoſal with ſcorn. Robert de Bruce hereupon renounced the homage he had done him for the fief he held of his crown, and Bernard de Baliol the fealty which he alſo had ſworn to him on a former occaſion; after which they both returned to the Engliſh camp. David then paſſed the Tees, and began to ravage Yorkſhire, not ſuppoſing that the Engliſh would dare to oppoſe him, as his forces were ſo ſuperior in number to theirs: but he ſoon found his error; for they boldly came on to meet him, as far as a plain called Cuton Moor, about two miles from North Allerton, reſolving to wait for him there and give him battle. As ſoon as they arrived in this plain, which was about break of day, on the twenty ſecond of Auguſt, in the year eleven hundred and thirty eight, they erected a ſtandard of a very peculiar contrivance. It was the maſt of a ſhip, fixed upon a wheel-carriage, at the top of which was placed a ſilver pix, containing a conſecrated wafer; and under that were hung three banners, dedicated to St. Peter, St. John of Beverley, and St. Wilfred of Rippon. All theſe decorations were proper to ſtrike the imagination, and probably were ſuggeſted by the archbiſhop of York, to keep up that ſpirit of religious enthuſiaſm he had wiſely inſpired. In fighting

Ailredus de bello ſtand. Ric. et. Joh. Haguſt.

ing under this ſtandard the ſoldiers believed themſelves engaged in a holy war, the champions of Chriſt, and of thoſe ſaints and martyrs, whoſe enſigns were thus waving over their heads. It became ſo famous, that ſome contemporary authors, in the title they prefixed to their hiſtories of this war, called it *The war of the ſtandard*. When it was raiſed and ſet out with all its appurtenances, Walter Eſpec, who joined to his other great qualities a flow of natural eloquence, mounted the carriage upon which the maſt was ſuſtained, and from thence harangued the army with a military oration, well adapted to his purpoſe. He obſerved to them, that numbers did not decide the event of a battle, put them in mind of the glory which the Normans had gained in many parts of the world, and how often a few of them had overcome great armies. He ſpoke with contempt of the Scotch, and particularly recalled to the memory of his countrymen, that one of the moſt warlike kings of that nation, Malcolm Canmore, had ſubmitted to do homage to William the Conqueror, when that monarch had carried his arms into Scotland; without ſo much as daring to hazard a battle. He ſhewed them the great advantage they had in their armour againſt enemies almoſt unarmed. He emphatically ſet before them the goodneſs of their cauſe; that they were to fight for a king deſired by the people, elected by the clergy, anointed by the archbiſhop, confirmed by the

Ailredus, et R. Haguſt.

Ailredus de bello ſtand. p. 338 ad 342.

pope; and not only for him, but likewiſe for their country, their wives, and their children, nay to defend even their altars from ſacrilege, profanation, and flames. He painted to them in ſtrong colours all the horrid barbarities, which the Scotch ſoldiers, eſpecially the Galwegians, had committed; their rapes, their murders, their toſſing up little children into the air, and receiving them again on the points of their lances, for ſport and diverſion, with other nefarious and execrable deeds. He told them, that they were to fight, not with men, but wild beaſts, who had no ſenſe of piety, none of humanity; who were odious to man, abominable to God; who would certainly have been deſtroyed by lightning from Heaven, or ſwallowed up by an earthquake, if they had not been reſerved to fall that day by the ſwords of the Engliſh: that the archangel Michael, the ſaints, and martyrs, whoſe temples and altars thoſe ſavages had polluted, would combat againſt them at the head of their enemies; nay, Chriſt himſelf, whoſe body in the ſacrament ſome of the Galwegians had impiouſly trod under foot, would, he ſaid, riſe up in vengeance againſt them, and aid the Engliſh arms. He exaggerated to them the thanks, the rewards, the honors, the power, which they might, if they were victorious, expect from the king, who would in effect receive his crown again from their hands; and concluded by ſaying, they muſt conquer, or die; for who among them could endure to

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ſurvive a defeat, that would give up his wife to be defiled by the luſt of their enemies, and his children to be ſtuck upon the points of their lances? Then turning to the earl of Albemarle, and taking him by the hand, he ſaid, "I pledge my faith to you, that I, this "day, will either beat the Scotch, or be ſlain "by the Scotch." Upon which all the nobles cried out with one voice, that they alſo bound themſelves by the oath he had taken. They now drew up in order of battle, and with as much judgement as the military art of thoſe times would permit. Being greatly outnumbered by the enemy, they formed themſelves into one compact body, or phalanx, compoſed wholly of foot: for the generals had commanded all the cavalry to diſmount, except a few, whom they poſted in the rear, to guard the horſes of the others, which were removed to ſome diſtance, behind the army, that they might not be affrighted with the ſhouts of the Scotch. Almoſt the ſame diſpoſition had been made by Harold, at the battle of Haſtings; except that here, intermingled with the heavy-armed ſoldiers, and under their protection, was placed a good number of archers and of pikemen. In the foremoſt ranks were all the braveſt of the barons and knights; but the more aged nobles, with the infant earl of Northumberland Roger de Mowbray, ſtood in the midſt of the phalanx, about the ſtandard, and ſome of them were mounted upon the carriage it was fixed to; that from thence they

Ric. Haguſt. p. 322. Joh. Haguſt. p. 262. Ailred. p. 343.

might commodiouſly ſee the whole action, and be ſeen by their vaſſals. It may be preſumed that the flanks of the Engliſh army were defended by moraſſes or entrenchments; for, as they had come into the field before the Scotch, they choſe their ground, and had leiſure enough to throw up works, if any were needful. Thus they expected the enemy, who did not arrive till they were completely formed. The king of Scotland, at ſight of them, ordered his army to halt, and conſulted with his officers, in what manner he ſhould attack them. Moſt of them adviſed him to compoſe his vanguard of all the men at arms and all the archers in his army; being apprehenſive, that, if the ill-armed and undiſciplined multitude ſhould begin the attack, they would not only be defeated, but would put all the other forces into confuſion. This advice was good, and ſo the king thought it; but the Galwegians, claiming a right to be always placed in the van, which they eſteemed the poſt of honor, would not give it up. They urged the late victory obtained by them at Clitheroe, againſt a body of Engliſh forces as well armed as theſe, and argued from thence, that to brave men heavy armour was rather an incumbrance than an advantage. But this ſeeming to make no impreſſion upon David, the earl of Stratherne, who thought himſelf intereſted in the diſpute, aſked the king with much heat, why he preferred theſe foreign troops to his own, when the beſt armed man of them all ſhould not

not go further in the battle, that day, than he would without armour. Which being heard by Alan de Percy, he replied, "Earl, you "have ſpoken bold words, and ſuch as you "will not make good." David, afraid that they ſhould quarrel, interpoſed his authority, and permitted the Galwegians to carry their point. His ſecond line, commanded by the young prince of Scotland, was compoſed of the Cumbrian and Tweedale militia, ſtrengthened by Engliſh archers and cavalry of the king's houſehold, and by ſome under the conduct of the lord Euſtace Fitz-John, who alſo joined this diviſion. There was a third line, or rear-guard, conſiſting of Lothian and Highland foot; and a body of reſerve, led by David himſelf, in which were the Lowland Scotch, with the chief nobility of that nation, and ſome Engliſh and Norman knights, whom the king kept about his perſon. But, while the two armies were ſtill at ſome diſtance, though in ſight of each other, Robert de Bruce, having obtained the conſent of his friends, the confederate barons, went over to David, not, as before, to treat with him in their name, but as a private friend, attached to him by gratitude, and affection, who came only to adviſe him, out of concern for his ſafety and intereſt. He gently put him in mind of the many great ſervices, which the Engliſh and Normans had done to his family, himſelf, and his crown: that no longer ago than the laſt year he had been under a neceſſity

V. Ailred. P. 343.

V. Huntingd. f. 222. ſect. 50. Ailred. ut ſupra.

Ailred. de bello ſtand. P. 344, 345, 346.

ſity to call in their aſſiſtance againſt a rebel ſubject: that Walter Eſpec, and other barons of England, had, with the greateſt alacrity, brought him men, arms and ſhips, in that exigence, and by the terror, which they ſtruck into the hearts of his enemies, ſubdued the rebellion, and delivered the leader of it into his hands. He told him, that they now were hated by the Scotch, for having ſubjected them too much to his power, and even taken from them all hopes of rebelling again: but it was ſurpriſing that ſo wiſe a monarch ſhould render himſelf the tool of that hatred, and fight againſt thoſe who were the principal ſupport of his throne. That by acting thus he endangered, not only himſelf, but his ſon, who might live to want the aid of thoſe faithful friends, whom he, that day, was making his enemies. That he ought to conſider very ſeriouſly, how far he might, before God, be involved in the guilt of ſo much innocent blood as was ſhed by his troops, and of the other enormities they committed, though, indeed, againſt his own inclinations and orders. That the grief and abhorrence, expreſſed by him at the ſight of thoſe abominable crimes, would not be thought ſincere, if he ſuffered them to go on unreſtrained, and neither puniſhed the paſt, nor prevented the future; but, on the contrary, rather authoriſed them by his preſence. That theſe reaſons alone ought to induce him to end this barbarous war, though there had been none to reſiſt him

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in his attempts, or though he could be abſolutely ſure of ſucceſs: but that no contemptible army was now brought to oppoſe him, not more inferior to his in numbers, than ſuperior in arms and real ſtrength: that they were reſolved either to conquer, or die in the field: which alone would be ſufficient to give them the victory: nor did they make any doubt of obtaining it: and, therefore, he was grieved to the heart at the thought, that he ſhould be forced to behold his good maſter and friend, who had been always ſo gracious and liberal to him, with whom he had been bred, even from his earlieſt youth, and in whoſe ſervice he had grown old, either diſgracefully flying, or unhappily ſlain. At theſe words, a burſt of tears broke off his diſcourſe; which ſo affected the king, that he himſelf alſo wept; and knowing the worth of the man, his wiſdom, and his courage, he was perfectly convinced, that what he had ſaid to him could proceed from no motive but honeſt affection, and began to incline to a treaty. But his nephew's ſon, a young man of an impetuous temper, whom his late victory over the Engliſh at Clitheroe had rendered more confident, vehemently oppoſed it, accuſing Bruce of high treaſon againſt David, his lord. And, as he had been a chief counſellor of the war againſt Stephen, he now urged to the king his engagements with the empreſs, and every other argument that he believed would diſſuade him from thinking of a peace. It was indeed an im-

improper ſeaſon to take up thoſe thoughts: he was too deeply engaged; nor could he now go back with honor, either as a king or a ſoldier. His ſenſe of this made him reject the counſels of Bruce, who thereupon left him, after having a ſecond time, and in the moſt ſolemn manner, according to the cuſtom and form of that age, renounced the homage he had formerly done him; as it was no longer conſiſtent with the higher allegiance he owed to the king of England, his natural ſovereign; and as he thought himſelf juſtly and honorably freed from it, when he had ineffectually employed all means in his power to reconcile both. He had but juſt time to rejoin his friends, before the vanguard of the Scotch began to advance; at ſight of which, the biſhop of the Orkneys, whom the archbiſhop of York had ſent as his ſuffragan, and in his place, to attend on the Engliſh army during this war, made a ſhort ſpeech to them, wherein he exhorted them to fight valiantly, *for the remiſſion of their ſins*; which all of them appearing reſolved to do, and with great marks of devotion ſtriking their breaſts, and calling on God to aſſiſt their arms, he gave them firſt a general abſolution, and then his bleſſing. The Galwegians, who in their manner of fighting much reſembled the ancient Celts, raiſed three terrible ſhouts, or rather yells, and charged with ſuch fury, that they compelled the Engliſh pikemen in the firſt rank to give ground, but were preſently repulſed by the

the men at arms; and their ſpears, which were long and ſlender, being broken againſt the helmets and breaſt-plates of iron, they threw them away, and undauntedly maintained the fight with their ſwords. But, while they attacked the men at arms with much diſadvantage, from being themſelves defended only by bucklers made of cow-hides, the archers, intermixed with theſe, ſo galled them with arrows, (which were inceſſantly falling upon their heads, or levelled directly at their faces and breaſts) that, after a great loſs of men in their front, thoſe on their flanks began to be intimidated, and quit their poſts. The prince of Scotland, ſeeing this, advanced to their ſuccour, and made ſo fierce an attack upon the Engliſh, that in one part he broke through them, and paſſing beyond their hindmoſt ranks fell with his cavalry upon that troop of their horſemen, which had been appointed to guard the horſes of the knights who fought on foot; and drove them before him, about the ſpace of two furlongs. This was the deciſive moment of victory, if he had been well ſeconded by the reſt of the Scotch, before the enemy could have time to recover their order; or if, inſtead of amuſing himſelf with the purſuit of their cavalry, he had immediately turned, and charged the broken phalanx, or body of foot, in the rear. For the terror and confuſion were ſo great, that the common ſoldiers and archers, intermingled with the knights, or men at arms, were, in every part of it, beginning

BOOK I.

ginning to quit their ground; when one among them, whoſe name no hiſtorian has recorded, having cut off the head of one of the bodies ſlain near him, held it up, and cried aloud, *that it was the Scotch king's*; which immediately ſtopped their flight. They cloſed their ranks, and with redoubled alacrity charged the Galwegians; who could no longer ſuſtain the arrows of the archers and ſwords of the knights, but, their two chiefs having been ſlain, fled out of the field. The victorious Engliſh then attacked the third line of the Scotch, in which were placed the Lothian and Highland troops, who hardly ſtood the firſt onſet. The king, enraged, at their cowardice, quitted his horſe, and commanding all the barons and knights who were with him in like manner to diſmount, advanced on foot, to encounter the enemy, at the head of his body of reſerve. But the contagion of fear inſtantly ſpread from the others to theſe: and moſt of them ſhamefully abandoned their ſovereign, without even waiting the approach of the Engliſh. David himſelf refuſed to fly; and it was with great difficulty, that the knights of his guard, and a few of his braveſt nobles, who ſtill remained with him, having remounted their horſes, which had been placed in their rear, ſet him likewiſe on horſeback, and happily led him away from death or captivity; before the Engliſh army, which from the cloſeneſs of its order was ſlow in its motions, could come up to attack him. As their ca-

Ailred. ut ſupra, p. 346.

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valry had been all driven out of the field, they could not at firſt purſue the king in his flight; and to this alone it was owing, that he and ſome part of his vanquiſhed army were ſaved from the hands of their enemies. For many of thoſe who had forſaken him before, ſeeing the royal ſtandard, which was carried along with him, gathered about it; and not being purſued or moleſted for ſome time, formed by degrees ſuch a body, that when, afterwards, ſome of the Engliſh horſemen came up, they found them ſo ſtrong, and marching in ſuch good order, that they durſt not attack them. Thus David returned ſafe to his city of Carliſle. But he was two days in great anxiety about the fate of his ſon. That prince, at his return from his too eager purſuit, found the Scotch army defeated and driven from the field. He then had only his knights, or body of cavalry, with him; the reſt of his diviſion, being diſperſed or deſtroyed. Theſe were too few to contend with an army elated by victory. He therefore commanded them to throw away all the marks that diſtinguiſhed them from the enemy, and mix with them, as if they had been the Engliſh horſemen, come up, to join their countrymen in the purſuit of the Scotch: by which means they paſt over the field of battle unoppoſed, if we may believe a contemporary hiſtorian. Certain it is, that, to avoid the purſuit of the enemy, they left the ſtrait road, and wandered ſo far in the deſart parts of the country, that they did

Ailred.p.346.

Ailred. ut ſupra.

not get to Carliſle, till the third day, after the king, with the remainder of his forces, had reached that town; though, in order to go the faſter, they diſincumbered themſelves of all their heavy armour. The Scotch infantry, which had ſuſtained the greateſt loſs in the battle, ſuffered ſtill more in the flight: for being ignorant of the roads, and diſperſed in ſmall parties, they rambled, to a great diſtance, over all the northern counties, and were cut to pieces, not only by the ſoldiers who purſued them, but by the country-people, who roſe upon them, wherever they came, and ſlaughtered them without mercy, leaving their bodies unburied, to be devoured by dogs, or by the birds of the air. To complete their deſtruction, when any ſeparate parties, of the different nations, or provinces, that made up their army, happened to meet in their flight, they attacked one another with the moſt hoſtile fury, each imputing their defeat to the fault of the other. The number of the ſlain muſt, upon the whole, have been great: for of thoſe alone who had come out of Scotland, beſides the confederate and auxiliary forces, above ten thouſand are ſaid, by a contemporary author, to have been killed in the engagement, or in the flight. And another hiſtorian of the ſame age reports, that in the field of battle eleven thouſand of the Scotch were left dead: but it muſt be ſuppoſed that among the Scotch he includes the Galwegians. Several knights were taken, and many banners, with

V. Ric. et John Haguſt. ſub ann. 1138.

Ric. Haguſt. p. 322.

Huntingd. l. viii. f. 223.

Ailred. p. 246.

with almoſt all the Scotch baggage. The Engliſh loſt only one gentleman of diſtinction, and very few private men. None of their leaders were wounded; nor was any circumſtance wanting to complete their triumph, but to have made the king of Scotland their priſoner; a glory reſerved for the more fortunate reign of Henry the Second.

As ſoon as the news of this victory was carried to Stephen, he rewarded the earl of Albemarle and Robert de Ferrers, by making the firſt earl of Yorkſhire and the other earl of Derby. Both had diſtinguiſhed themſelves in the action, the former eſpecially, who ſeems to have had the chief command; and the latter, on the firſt ſummons of the more northern barons, had brought out of Derbyſhire a good body of troops, which ready aſſiſtance much contributed to the defeat of the Scotch. We are not told of any new or extraordinary honors, conferred by the king on Walter Eſpec or Robert de Bruce, who both deſerved his higheſt gratitude: but, as he was liberal even to profuſeneſs, it may be preſumed that theſe gentlemen had a ſhare of his bounty, and were amply recompenſed by him with money and lands. Fortune now appeared to declare in his favor: for, beſides this unexpected ſucceſs in the North, his arms were proſperous in many other parts. The ſame week in which his barons won for him the battle of Cuton Moor, he himſelf reduced the town and

Ric. Hagust. p. 322, 323.

Ord. Vit. l. xiii. sub ann. 1138.

and ſtrong caſtle of Shrewſbury, which were held by William Fitz-Alan; and finding that his clemency upon other occaſions had done him no good, he tried what great ſeverity would do upon this, by putting to death Arnulf de Heding, uncle of Fitz-Alan, with all the principal men of the garriſon; Fitz-Alan himſelf having eſcaped his vengeance by flight.

During theſe events the queen had been employed in beſieging Dover-caſtle, with the aſſiſtance of her own hereditary ſubjects, the people of Boulogne, who brought a fleet, to block up the harbour, and prevent the entrance of ſuccours which the empreſs might ſend from her territories in France: an enterprize well concerted and executed with vigour! Yet the place was ſo well defended by the valour of the garriſon, that it could not be taken, till Robert de Ferrers perſuaded the governor, who had married his daughter, to ſurrender it upon terms. This grievouſly affected the earl of Gloceſter: for the being in poſſeſſion of that caſtle and port was an advantage of the moſt eſſential importance to him and his ſiſter. One ſhould have thought, that, when he ſent his defiance to the king, he would immediately have come over to England: but it is probable that he waited to ſee what ſucceſs the arms of David would have in the north of that kingdom, hoping that Stephen would be forced to turn his that way, and thereby leave the weſtern

weſtern and ſouthern coaſts more unguarded. But the ſpeedy defeat of the Scotch by the northern militia broke all his meaſures, and conſtrained him to remain a year longer abroad.

Stephen, however, was ſo remiſs in purſuing the advantages he had gained, that David had time to recover from the blow he had ſuffered; which, if it had been followed by a vigorous war, might have been dangerous to his realm: but, no Engliſh army coming againſt him, he had leiſure to recruit and ſtrengthen his own, confirm their courage, heal their diviſions, and even put them in a condition of acting offenſively upon the borders. His firſt attempt was made againſt Weark caſtle, which he beſieged for ſome time; but, finding it would be more eaſily taken by famine than by aſſault, he changed the ſiege into a blockade, and went from thence to Carliſle, where, about Michaelmas, he held a great council, at which repaired to him Alberic biſhop of Oſtia, legate *à latere* to the two kings of England and of Scotland. Ric. Haguſt. P. 323, 324.

As this prelate paſſed through Durham, he found there, confined in the caſtle, the chancellor of Scotland, William Cumin, who had followed his maſter into England, and had been taken priſoner in his flight from Cuton-Moor. Knowing that he was a perſon in great favor with his prince, and much eſteemed by his countrymen, the legate procured his releaſe,

releaſe, and preſented him to David; at the ſame time exhorting and imploring that king to put a ſpeedy end to ſo cruel a war, out of compaſſion to the church and to his own ſubjects. But he could obtain no more by this mediation than a ſuſpenſion of arms till Martinmas following: nor did that extend to Weark-caſtle, which was ſoon afterwards conſtrained to capitulate for want of proviſions; and, by the commands of David, was demoliſhed. The legate then interceded ſtrongly with the Galwegian nobility, and had influence enough to engage them to ſet free and bring to Carliſle, before the expiration of the abovementioned truce, moſt of the women, whom they themſelves, or any of their people, had carried into captivity out of the Engliſh dominions. He likewiſe obtained a ſolemn promiſe, from them and all the reſt of the barons of Scotland aſſembled there, that they would abſtain, for the future, from violating churches, and killing women and children, or any other perſons who ſhould make no reſiſtance. Having performed theſe good offices, ſo becoming his function, he returned into England, and held a legatine ſynod at Weſtminſter, ſome canons of which were very derogatory to the rights of the crown, and ſuch as Stephen ſhould not have permitted to be made, or even received in his kingdom, if he had been able to conteſt any point, at this time, with the pope, or had known where it was proper to make a ſtand, and where to give way. I ſhall ſay more upon

Decemb. 13. 1138. Ric. Haguſt. p. 326, 327, 328.

upon this ſubject hereafter, when I come to conſider the enormous encroachments of the eccleſiaſtical power upon the civil, during the courſe of this reign. BOOK I.

The biſhop of Oſtia, agreeably to the inſtructions which he had received, uſed all endeavours to mediate a peace between England and Scotland. He found Stephen himſelf and moſt of his council very averſe to it: for they were elated with victory, and deſirous of taking their revenge upon David, for the miſchiefs that his army had done in this war, and for his having a ſecond time aſſiſted Matilda, after a peace ſo lately made on terms advantageous to him and his family. Nor did they think they could depend on any ſtipulations, which he might agree to; unleſs, by weakening him more, and ſtriking a greater terror into his ſubjects, they put it out of his power to break his engagements. But the queen, who ſtill retained a tender affection, both for that monarch, her uncle, and Prince Henry, her couſin, paſſionately deſired to procure a reconciliation between them and her huſband. The legate, perceiving that he had her on his ſide, redoubled his inſtances: but was obliged to leave England, without having prevailed. Nevertheleſs, what all his credit and ſkill in negociation could not perform, the ſtronger influence of her importunities, and the fondneſs that her huſband moſt juſtly had for her, at laſt effected. About the beginning of April, in the year Ric. Haguſt. p. 329, 330.

eleven hundred and thirty nine, a peace was made, on theſe conditions; that Stephen ſhould grant the earldom of Northumberland in fief to Prince Henry, except the towns of Newcaſtle and of Bamburgh, which he ſhould retain in his own hands; but the full value of the revenues thereof was to be made good to that prince, from other lands ſituated in the ſouth of England. Such of the barons who belonged to that earldom as were willing to hold their lands of him, were permitted and required to do homage to him, ſaving their fealty to Stephen. But there was an article, that the laws of Northumberland, as they had been ſettled by King Henry, ſhould be maintained without any alteration. All the fiefs that the prince of Scotland had held, under homage to the crown of England, before the war, were likewiſe confirmed to him by the words of this treaty. In return for which, he, and the king, his father, promiſed to continue in friendſhip with Stephen, and be always faithful to him, as long as they lived. But, to ſecure their fidelity, five ſons of Scotch earls were given to him as hoſtages. The queen of England herſelf had taken a journey to Durham, in order to negociate this peace with her uncle; and her mediation appears very evidently in it: for it was more favorable to David than he reaſonably could expect, and none of the counſellors of Stephen approved of it, if we may believe ſome of the beſt contemporary hiſtorians. Yet ſhe had much to alledge in vindication of it,

it, from the circumſtances her huſband was in, at this time. BOOK I.

Whatever advantages the defeat of the Scotch, in the preceding year, might have produced, if vigorouſly purſued, that ſeaſon was loſt: they now had recovered ſtrength; nor was Stephen, after all theſe favors of fortune, much more able to carry the war into Scotland this year, than he had been the laſt. The city of Briſtol and ſeveral other forts were ſtill in the poſſeſſion of Matilda's adherents, who would be ſure to extend themſelves on every ſide, if they were no longer reſtrained by the arms of the king. It was alſo neceſſary for him to cover his coaſts againſt an invaſion, and to ſecure, by his preſence, the heart of his kingdom, where any diſturbance would be moſt dangerous. The deſire of revenge ought to give way in wiſe councils to conſiderations of ſafety; and nothing could ſo much aſſure to that prince the dominion of England, as a ſettled peace with Scotland. He might alſo fear, that, the legate having laboured ſo earneſtly in it, the pope would be offended at it's being too obſtinately and harſhly refuſed, which to him was an apprehenſion of the greateſt moment.

But ſtill it was hard, and ſeemed to be cowardly and ignominious, after ſo important a victory, to ſubmit to a treaty, on almoſt the ſame conditions, as had been rejected before the war. The northern army, if enforced by

the addition of a few troops, would have ſufficiently guarded the borders againſt a beaten enemy, till Stephen ſhould find himſelf in a better ſituation to make an offenſive war upon Scotland; and it was indiſputably more becoming a prince, who poſſeſſed any conſtancy or greatneſs of mind, to let things continue a ſhort time in that ſtate, than come into a diſhonorable, or, at the beſt, an inglorious accommodation.

Theſe reaſons, to which the king was by no means inſenſible in his own temper, and which ſome of his miniſters ſtrongly urged, would have prevailed over thoſe that were alledged by the queen, if his great affection for her had not turned the ſcale. The conduct of David was truly magnanimous. He treated with Stephen as if he had won the battle he had loſt, and by that ſpirit acquired a ſuperiority over him, which put it in his power almoſt to preſcribe the conditions of the peace. But how advantageous ſoever it was to the Scotch, Matilda and her party were ſacrificed by it; and if Stephen had known how to improve the advantage it gave him in England, he would have had no great reaſon to be diſſatisfied with his queen for having been the mediatreſs; eſpecially, as his honor was in ſome meaſure ſaved, by it's being ſuppoſed that he had granted it only to her interceſſion.

As ſoon as the treaty was ſigned, the new earl of Northumberland went to Nottingham, and

and there paid his homage to Stephen: nor did he barely perform the ceremony of a vaſſal, but attended him afterwards to the ſiege of Ludlow, and behaved himſelf very bravely. In one of the attacks, approaching too near the wall, he was pulled from his horſe by an iron hook, and would have been taken, if he had not been inſtantly reſcued by the king himſelf, who diſengaged him with great hazard to his own perſon. This endeared them to each other; and at their return from the ſiege, which Stephen was ſoon afterwards obliged to raiſe, a lady of his court, who was ſiſter to William earl of Warren and Surrey, added another attachment, to bind the affections of Henry to England, and to the party of Stephen, in which her family was engaged. The young prince fell in love with her, and married her, with the conſent of the king, his father. Her blood indeed was ſo noble, that the match was hardly unequal: for her father was related to the Norman kings of England, and her mother was a daughter of Hugh the Great, earl of Vermandois, and ſecond brother to Philip the Firſt, king of France. That lady, before her marriage with the late earl of Warren, had been wife to Robert earl of Meulant, the principal miniſter of King Henry the Firſt, and brought him three ſons; of whom the two eldeſt, having ſucceeded to their father in his earldoms of Leiceſter and Meulant, were in great favor with Stephen; as was likewiſe the young earl of

Joh. Haguſt. ſub ann. 1139.

See Gemitic. l. viii. c. 37, 40, 41. Ord. Vital. l. xi. p. 806.

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of Warren and Surrey, her ſon by her ſecond huſband. Thus all things contributed to eſtabliſh a firm peace between the two crowns, and to cruſh the hopes of Matilda, who ſaw herſelf again abandoned and ſacrificed by that power, in which ſhe had put her ſureſt truſt. Stephen, no doubt, might eaſily have ſubdued the feeble remains of her party in England, if he had not given new life to it, by an unſeaſonable quarrel with the church, which had been his greateſt ſupport, and which he ought to have kept attached to his intereſt, till he had entirely pacified and reconciled to himſelf the reſt of the kingdom. This diſſenſion took it's riſe from the following cauſe.

Geſt. Steph. Reg. 943, 944, 945. Ord. Vit. Huntingdon. ſub ann. 1139. Neubrigenſis, l. i. c. 6. Malmſb. hiſt. nov. l. i. f. 102, 103, 104.

The biſhop of Saliſbury had extorted from the crown ſuch immoderate favors, and uſed them with ſuch arrogance, as drew a heavy load of envy upon him from all the nobility, and excited the jealouſy of his ſovereign himſelf. The higheſt offices of judicature and government, thoſe of grand juſticiary, chancellor, and treaſurer of England, were all engroſſed by him and his family. Nor was he contented with this vaſt extent of civil power, but ſought to acquire a military ſtrength, ſtill more invidious, and more inconſiſtent with his ſpiritual character. Beſides adding to the fortifications of the caſtle of Sarum, which he had obtained from King Henry, he built three others at Sherburn, at the Deviſes, and at Malmſbury, during this reign, with ſuch an extraordinary ſtrength and magnificence, as ſeemed to ſhew,

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not only an opulence, but thoughts, and views, too great for a ſubject. In emulation of him, and (as it appeared) in confederacy with him, the biſhop of Lincoln, his nephew, had alſo built a ſtrong caſtle at Newark and another at Sleford. Stephen, who was of a nature prone to ſuſpicion, took umbrage at this: and he had many about him, particularly the earl of Meulant, his principal counſellor, who accuſed both theſe prelates of treaſonable intentions, as if they had a ſecret purpoſe to deliver theſe forts, which they had erected at ſo vaſt an expence, into the hands of the empreſs. The charge was ſupported, not by any direct or poſitive evidence, but by jealous ſurmiſes, or common fame: one fact alone, which could even be accounted a preſumptive proof, being alledged in confirmation of it, viz. that the biſhop of Saliſbury had refuſed to permit the lord Roger de Mortimer, with a detachment of the king's horſe, who were in great fear of a ſuperior party from Briſtol, to lodge a night in his caſtle of Malmſbury. That prelate's black ingratitude to his late maſter made any diſtruſt of him appear not ill founded. Yet it was very improbable, that he ſhould have a deſire to return to Matilda, whom he had offended ſo highly, and knew to be of a temper not inclined to forgive. Perhaps thoſe who accuſed him were not ſo convinced of his guilt, as impatient of his power. He might alſo ſuffer from that, which is frequently the worſt offence in a court, the having conferred

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on his ſovereign too great obligations, and ſeeming to know it too well. Nor was his wealth a ſmall temptation to the prodigal king, who had ſpent all that the frugality of his predeceſſor had ſaved, and could find no means to repleniſh his empty exchequer, but by the ſpoils of a miniſter who had immoderately enriched himſelf and his family in the ſervice of the crown. Neverthelefs it was a moſt arduous and dangerous matter, conſidering the ferment the nation was in, and the privileges of the church, which would certainly be pleaded in this affair, to attack a prelate more ſtrongly protected by thoſe privileges, than by all the forts which he had built, upon looſe preſumptions alone. From a juſt ſenſe of this difficulty, Stephen, for ſome time, reſiſted the advice of his favorites and the bent of his own inclinations; but he had not reſolution enough to perſevere in that prudent forbearance. Having called a great council at Oxford, he ſummoned thither the biſhop of Saliſbury, with the reſt of the barons. That prelate obeyed, though moſt unwillingly; his mind foreboding ſome evil to him from it, either becauſe he was conſcious of having deſerved the king's diſpleaſure, or becauſe, from his knowledge of men and courts, he apprehended that his innocence would not ſecure him. He had, for ſome time, but rarely attended his maſter or the council; and when he did, it was with ſuch a number of armed men in his train, that he ſeemed to come thither rather to brave

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brave than to ſerve him, and more particularly upon the preſent occaſion. His nephews, the biſhops of Ely and of Lincoln, followed his example in this oſtentation, and came to Oxford with military retinues, ſufficient to have raiſed a jealouſy in the king, though he had entertained none before. But this which they intended for their ſecurity, or poſſibly for a vain parade of their ſtrength, brought on their deſtruction. For a quarrel ariſing between ſome of their ſervants, and thoſe of Alan earl of Richmond, about their lodgings, a ſudden tumult enſued, in which blood was ſhed on both ſides, one knight was killed, and a nephew of the earl was dangerouſly wounded. Who were the aggreſſors is not clear; but the retainers of the two biſhops having gained the advantage, they made an aſſault on the ſervants of Hervey de Levins, another nobleman of high rank, who was particularly under Stephen's immediate protection, becauſe, to pay his reſpects to that prince, he had come over from Bretagne into England, which he had refuſed to King Henry, though often invited. Some authors ſay, that the cauſe of this riot was purely accidental; but others ſuppoſe, that it was ſtirred up by the artifice and ſecret inſtigations of Waleran earl of Meulant, who ſought an occaſion of drawing the biſhops into ſome miſdemeanor, which might be a pretence to juſtify the king in ſeizing their caſtles. Whether it happened by accident or contrivance, he and his brother, the earl of Leiceſter, aſſiſted

V. auctores citat. ut ſupra.

assisted by other temporal barons there present, soon put an end to it; and using the authority of the king's name arrested the bishops of Salisbury and of Lincoln, the first, in the chamber where the great council assembled, the other, in the private house, or inn, where he lodged: but the bishop of Ely, whose lodging was out of the town, upon hearing what had happened, got into the castle of the Devises, which belonged to his uncle, the bishop of Salisbury, and determined to maintain it against the king. If he had fled to his bishoprick, and taken asylum in his cathedral, he would have embarrassed him more. Stephen thereupon sent William of Ipres, with some of his mercenaries, to lay siege to the castle, and presently afterwards followed him thither himself. When he set out on this enterprize, he left the bishop of Lincoln in prison at Oxford, but carried along with him the bishop of Salisbury, and his son, the lord chancellor, under strict custody; swearing to the first, that he should remain without food, till his nephew, the bishop of Ely, surrendered the castle; and ordering the other to be hanged on a gibbet before the gate, if it was not opened to him at the end of three days. Ordericus Vitalis relates, that the chancellor's mother, being in the castle, and having the custody of the principal tower, delivered it up, to save the life of her son, against the will of the bishop of Ely, who paid no regard to the king's threats or his uncle's entreaties: but others say that the bishop

biſhop was brought to capitulate by the greater danger in which he ſaw his relations. Certain it is that this fortreſs, accounted at that time one of the ſtrongeſt in Europe, was yielded to Stephen at the end of the term he had fixed; the three others, which belonged to the biſhop of Saliſbury, having been alſo ſurrendered to him in the ſame manner. Nor did the biſhop of Lincoln regain his liberty on eaſier terms: for he likewiſe was brought before the gates of the caſtles of Sleford and Newark, and threatened to be famiſhed, if they were not opened to the king without delay: which was accordingly done; yet not without difficulty on the part of his friends, by whom they were garriſoned, and whoſe reluctance to ſurrender them his prayers and tears could hardly overcome. Stephen being thus poſſeſſed of the fortreſſes he ſo much deſired, and finding in two of them a great treaſure hoarded up by the biſhop of Saliſbury, he ſeized that alſo as a lawful prize, and applied it to his own uſe. But, though his finances much wanted ſuch a ſupply, he ſoon had reaſon to repent of the part which the impetuoſity of his temper, and the counſels of favorites, whoſe paſſions and intereſts governed their opinions more than his honor or ſervice, had made him take. The riot at Oxford was indeed a very high miſdemeanor, which greatly offended the royal majeſty and the peace of the realm; but it did not appear that the two biſhops, and much leſs the chancellor, had any hand in it, either

as actors, or inſtigators; and it was very unjuſt to impute to them the crime of their ſervants. It might perhaps have been proper to bring them to a trial, if there was any legal evidence of their being concerned in it: but, without any proceſs, or form of law, to arreſt, impriſon, and treat with ſuch cruelty, and ſo much indignity, men of ſuch eminence in the church and ſtate, principal miniſters, prelates, and peers of the realm, might reaſonably incenſe, not only the clergy, but the whole people of England, as overturning all liberty, and ſubverting the fundamental laws of the land. A grievous aggravation of it was the time and the place in which it was perpetrated, at a parliamentary meeting, to which they were called by ſummons from the king, under the immediate protection of the royal faith and the moſt ſacred rights of the nation: there to be ſeized, one of them in the ſanctuary of the palace itſelf, in the very chamber wherein the great council aſſembled; and then, unheard, uncondemned, to be menaced with ſhameful and cruel deaths, actually kept from food ſome days, and at laſt, by open violence, robbed of their property, was uſage unknown before to the barons of England, even under the deſpotiſm of William the Conqueror! And what could the reſt of the king's ſubjects expect from him, when they ſaw him proceed ſo harſhly, and with ſo little regard to the firſt principles of juſtice and freedom, againſt the family and perſon of that very man, to whom, in ſome meaſure,

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meaſure, he owed the crown he wore? Indeed this method of forcing their caſtles out of the hands of his barons was one of his favorite meaſures, which he had recourſe to upon every difficulty, making no ſcruple to violate the ſafety of his court, the honor of the crown, and the liberty of the people, whenever he doubted the fidelity of a vaſſal, or deſired to get poſſeſſion of any ſtrong place. Thus, while he ſuffered his laws, and the legal authority of his government, to be continually inſulted, he ſtretched his prerogative beyond all bounds, and hurt himſelf equally by weak complaiſance and tyrannical acts of power. Yet, ſo long as he continued to favor the church, he kept a ſtrength in the clergy, which deterred his other ſubjects, however diſcontented, from revolting againſt him: but, by attacking their privileges, and incurring their enmity, he ſhook the foundations upon which he himſelf had fixed his throne. Their reſentments on this occaſion were carried ſo high, that his own brother, the biſhop of Wincheſter, thought it adviſeable to take up their cauſe. He publickly and loudly proteſted againſt this act of the king; he frequently exhorted him to make reſtitution and ſatisfaction; which being denied, he convened a ſynod at Wincheſter, as the pope's legate, and cited Stephen himſelf to appear before him there and anſwer for his conduct. This was ſuch an affront to the majeſty of the crown as would have rouſed the moſt abject ſpirit; yet, inſtead of reſenting

Malmſb. hiſt. nov. l. ii. f. 103, 104.

and puniſhing it, Stephen allowed himſelf to be ſubject to that juriſdiction, which he ought not to have permitted his brother to exerciſe over the loweſt peaſant in his kingdom. He did not indeed appear in perſon; but he ſuffered the ſynod to meet, and ſent ſome of his miniſters to plead for him before them.

If the two injured biſhops had complained of the king's proceedings, and demanded redreſs in the high court of parliament, the utmoſt attention ought to have been given to them: but for a ſubject of England, acting by an authority derived from the pope, to make himſelf and the clergy judges over their ſovereign, in their own cauſe, was as great an offence againſt the royal dignity, as what he had done was prejudicial to the rights of the nation and the privileges of the peerage. One is no leſs aſtoniſhed at the unexampled boldneſs of that prelate's preſumption, than at the tameneſs of Stephen, in ſubmitting ſo far to it, after the ſpirit with which he had ſet out in this affair. It would have coſt him no more to have diſſolved this legatine council, or at leaſt to have forbidden them to meddle with any points concerning his government, than to commit the acts of violence, he had been guilty of, againſt the biſhops of Saliſbury and Lincoln. But in his whole conduct we may obſerve the ſame levity: he wanted no courage to begin the moſt hazardous and raſh undertakings, but had not conſtancy enough to go thorough with them, when he was engaged.

gaged. His brother knew this, and therefore took a reſolution to put himſelf now at the head of that party, which he foreſaw would in the end be the ſtrongeſt. He had alſo ſecret diſcontents, which impelled him to act againſt a court, in which he did not enjoy that unrivalled ſuperiority of favor and power, he thought he had every way a right to expect. Others were more conſulted than he: an offence that he would not have pardoned, either in them, or the king, though he had not had ſo much reaſon, as they really gave him, to diſapprove of their meaſures. Upon the death of the late archbiſhop of Canterbury, he had aſked for that ſee, and had met with a refuſal. It is no wonder if he felt reſentment at ſuch a diſappointment. After having procured the crown for Stephen, he might reaſonably demand that dignity from him; and it was very imprudent in his brother to deny him the object of his ambition, at a time when he wanted his friendſhip, and knew that he was a man whom no tie but his intereſt could ever ſecure. That imprudence was doubled in ſuffering him now to exercíſe the legatine power in England, which had before been granted only to the archbiſhop of Canterbury, and which this prelate had firſt obtained during a vacancy in that ſee. It would have been, in this conjuncture, of great advantage to Stephen, if he had availed himſelf of the archbiſhop's diſcontent on this ſubject, and ſeemed to favor his claim to that com- BOOK I.

miſſion; which, without offence to the pope, would have produced for ſome time an entire ſuſpenſion of any legatine authority in the realm, till he could be ſure that the legate would be ſubſervient to his intereſts, or at leaſt not his enemy. Thus he might with leſs difficulty have got rid of this council, and have kept his brother, for the future, more under controul. But he both neglected to preſerve ſo important a friend, whoſe aſſiſtance would have made him maſter of the reſt of the clergy, and to reſtrain his power, when he found it was become hoſtile to him, by proper checks: Which miſtake was of ſuch conſequence, that it almoſt coſt him his crown.

A. D. 1139. The biſhop opened the council by producing his legatine commiſſion from Rome, which appeared to have been renewed to him ſome months before, (that is, from the time the biſhop of Oſtia was recalled) but he had not made uſe of it till this occaſion. He then ſet forth, in the moſt tragical terms, his brother's offence againſt the church, declaring, that, rather than the epiſcopal dignity ſhould be trampled upon in this manner, there was no evil, no calamity to himſelf, which he would not be willing to ſuffer. He ſaid, he had frequently admoniſhed the king to repent of his ſin and make ſatisfaction for it; and at laſt had prevailed upon him not to forbid the calling of this council. He therefore exhorted the archbiſhop of Canterbury, who was there pre-

preſent, and the reſt of the ſynod, to conſult together, and determine what ought to be done; aſſuring them, that neither out of regard to his brother, nor from any loſs of his fortune, or danger of his life, would he fail to execute what they ſhould decree.

The earls, who were ſent to the council as the king's advocates, being admitted, they aſked why he was cited: to which the legate replied, that as he was ſubject to the religion of Chriſt, he ought not to reſent his being called by Chriſt's miniſters, to make ſatisfaction for ſuch an enormity as had not been ſeen in that age: that to put biſhops in priſon and ſtrip them of their poſſeſſions was an act only known to times of paganiſm: that if he would deign to take advice from him, it ſhould be ſuch as neither the ſee of Rome, nor the counſellors of the king of France, nor their own brother, the earl of Blois, who was ſo wiſe and religious, ſhould have any cauſe to blame: and that nothing, at preſent, could be more requiſite for him, than either to lay before the council his reaſons for what he had done, or humbly ſubmit himſelf to a canonical ſentence: for he was bound to reſpect and favor the church, by the affection of which, and not by arms, he had been raiſed to the throne. The earls upon this left the council, and made their report to the king, who found himſelf much embarraſſed what courſe to take. In the legatine council, which he had permitted the biſhop of Oſtia to hold at Weſtminſter, See R. Haguſt. p. 337. Gerv. Chron. p. 1347, 1343.

miniſter, a canon was made, declaring that whoever ſhould kill, *impriſon*, or *lay violent hands upon any eccleſiaſtick*, if after three ſummons he did not make ſatisfaction, ſhould incur a ſentence of excommunication not to be taken off but by the pope himſelf, unleſs in an immediate danger of death; and if he died impenitent, his body was not to be buried. Excommunication was likewiſe denounced againſt any perſon, who ſhould violently uſurp the goods of the church. Stephen, in theſe canons, to which he had given the force of laws, might read the ſentence of his own condemnation. He had, moreover, by his charter granted at Oxford, put all eccleſiaſtical perſons and goods under the ſole juriſdiction and power of the biſhops, which ſeemed to preclude him from ever trying this cauſe in any civil court. Being thus ſadly entangled, both by the weakneſs of his former conceſſions, and by the imprudence of his late conduct, he found no better iſſue, than to follow his brother's advice in part, and give the council his reaſons for the act he had done, though he had no grounds to believe, that they would be admitted in his juſtification. He therefore ſent back the two earls, and with them Aubrey de Vere, an eminent lawyer, who had ſucceeded to the biſhop of Saliſbury in the office of grand juſticiary, upon the diſgrace of that prelate. To him the king entruſted his cauſe, and he ſaid for him all that ſuch a cauſe would admit, charging the biſhops of Saliſbury and

Malmſb. hiſt. nov. f. 103, 104. l. ii.

and Lincoln with ſedition and treaſon, but upon bare preſumptions or allegations without proof, of which an account has before been given. He further pretended that they had willingly ſurrendered their caſtles into the hands of the king, to avoid being proſecuted for the riot at Oxford. He ſpoke of the money taken from the biſhop of Saliſbury, as a much leſs ſum than it really was, and alledged that it lawfully belonged to the king, as having been collected in the reign of his predeceſſor out of the revenues and rents of the crown; affirming alſo that this, as well as the caſtles, had been voluntarily yielded, by way of compoſition for the biſhop's offence: of which, he ſaid, the king could bring witneſſes. He likewiſe pleaded, that Stephen had arreſted that prelate, not as a biſhop, but as one of his miniſters, who managed his buſineſs, and received wages from him. He particularly charged the biſhop of Lincoln with having excited the tumult of Oxford from an old hatred againſt the earl of Richmond. Finally, he demanded, in the name of the king, that the agreement made between him and the two biſhops ſhould remain good.

The biſhop of Lincoln was not preſent in the council; but his uncle of Saliſbury was, and, with a ſpirit unbroken by his diſgrace and his ſufferings, denied the facts aſſerted by Aubrey de Vere, demanded reſtitution of what he had loſt, and declared, that, if juſtice was

refuſed to him there, he would ſeek it *in a higher court*, meaning that of Rome.

The legate, with an appearance of temper and coolneſs, ſaid, the two biſhops ought to have been firſt accuſed of the matters laid to their charge in an eccleſiaſtical council, and an enquiry ſhould there have been made into the truth of thoſe facts, inſtead of ſentence being given and executed before condemnation. Wherefore he inſiſted, that, agreeably to the practice in civil courts, the king ought to reſtore to them all their poſſeſſions, till the cauſe was determined; for, before that was done, they could not, without departing from the rules of natural juſtice, be required to plead. It was difficult to deny the truth of this propoſition; but, as the king's miniſters would not agree to it, the council adjourned, at his requeſt, till the next day, and then, till a third, to wait for the arrival of the archbiſhop of Rouen, who, to the ſurprize of his brethren, undertook to defend the cauſe of the king. He brought the diſpute to a ſhort iſſue. "I will grant, ſaid he, that the two "biſhops ſhall have their caſtles reſtored to "them, if they can prove that by the canons "they ought to have any; but, as I am cer-"tain they cannot, I think that for them to "deſire what the canons prohibit would be "extremely indecent; and even admitting, "that, by the indulgence and favor of the "crown, they might be allowed to have "caſtles,

" caſtles, yet in time of danger they ought to BOOK I.
" put them into the hands of the king, whoſe
" duty it is to take care of the publick peace:
" from whence it follows, that, either way,
" their cauſe muſt be loſt."

There was more art in this argument than in all that had been uſed by Aubrey de Vere. What the council ſaid to it we are not told: but it may be obſerved, that it was no vindication, either of the impriſonment of the two biſhops, or of the violent methods by which they had been forced to give up their caſtles, or of the king's taking his money, without judgment of law, from the biſhop of Saliſbury. The objection drawn from the canons was very embarraſſing: but however contrary it might be to them, or indecent in itſelf, for biſhops to be builders or governors of caſtles, they had the king's own licence to plead for it: and though in the ſenſe of the law all fortreſſes were ſuppoſed to belong to the crown, it ſeemed a hardſhip, and an injuſtice, to take away thoſe which any ſubjects had fortified at their own charge, without very ſtrong and apparent grounds of diſtruſt. After the archbiſhop had ended his ſpeech, Aubrey de Vere ſaid, " The king had been informed that the two biſhops had threatened to ſend ſome of their brethren, with complaints againſt him, to Rome; but that he abſolutely forbad them to do it: and if any one of them ſhould preſume to go thither, againſt his will and the dig-

dignity of his realm, he would have him to know, that he ſhould find it difficult to return." So far was well, but all the merit of that was loſt by what followed. For the ſame miniſter notified to the council, that Stephen, ſeeing they would do him no juſtice, appealed againſt them to Rome. Such an appeal was a fatal wound to the royal authority. Indeed his whole conduct in this unhappy affair was a continued ſeries of errors and faults. He offended the pope, he offended the Engliſh clergy, who had been his beſt friends, by an unſeaſonable attack on their privileges; and yet, in the proceſs of that violent act, he more than ever debaſed his own dignity, by mean and unkingly condeſcenſions to both. A virtuous prince would have reſpected thoſe privileges which he had ſworn to maintain; a prudent one would have found a more proper time for this quarrel, and leſs odious meaſures to ſupport it; a reſolute one, after having drawn the ſword, would have decided by *that* a diſpute of this nature, in which *that* alone could render him ſucceſsful. Stephen neither preſerved the affection of his clergy, nor humbled their inſolence: he did enough to make them his enemies, but not enough to make them his ſubjects.

When the legate heard that his brother appealed to the pope, he found it neceſſary to break up the council. They were afraid to proceed further againſt that prince, after he had

BOOK I.

had ſubmitted his cauſe to Rome, eſpecially, as ſome of his nobles and ſoldiers began to threaten, both by their words and their actions, to revenge any indignity offered to their ſovereign. Nor was the biſhop of Wincheſter himſelf unwilling to ſtop, having done all that he wiſhed for his own advantage. He had eminently ſignalized his zeal for the church, and raiſed his credit with the clergy of England to the higheſt degree, by appearing their champion againſt the king, his brother. And, probably, in his heart he was not much diſpleaſed, that the biſhop of Saliſbury, who had once been his rival in wealth and power, ſhould be left, for the future, in a ſtate of humiliation. That prelate therefore and the biſhop of Lincoln were obliged to remain without any ſatisfaction for what they had loſt. But Stephen had certainly no reaſon to exult in what he had gained. The diſcontent of the clergy on that account was ſo great, and their complaints had ſuch an influence on the body of the people, that, preſently afterwards, the Empreſs Matilda, who had waited almoſt four years ſince the death of her father, without daring to venture her perſon in England, and whom the defeat of the Scotch, with the loſs of Dover and the important towns of Shrewſbury and Hereford, had reduced, a little before, to the brink of deſpair, thought her party ſo ſtrengthened, and conceived ſuch hopes of a much greater defection from Stephen, as to reſolve to put herſelf at the head

A. D. 1139.

Malmſb. hiſt. nov. l. ii. ſub ann. 1139. Geſt. Steph. Reg. p. 946 ad 952. Ord. Vit. p. 920. l. xiii. Chron. Norm. Huntingd. et Gerv. Chron. ſub ann. 1139.

of

of her friends. That ſhe and the earl of Gloceſter entirely depended upon the internal ſtate of the kingdom, and the diſpoſitions they expected to find in their favor, appears very plainly, from the ſmall force they brought with them, which was no more than a hundred and forty knights. The Engliſh coaſts being guarded by Stephen's fleets, particularly, by that which he had drawn from Boulogne, and Matilda having none that was ſtrong enough to fight with them, it would have been difficult to ſecure a great embarkation; which, undoubtedly, was the cauſe of their bringing ſo few: but with thoſe few they could not hope to overcome the oppoſition they would meet with in England, if they had not counted on numbers to join them there, and on the benefit of a ſecret intelligence with ſome of the greateſt about the king, eſpecially among the ſpiritual lords, who did not yet openly eſpouſe their party.

They had ſent over before them Baldwin de Redvers, earl of Devonſhire, whom Stephen had compelled to fly out of the kingdom, and who, having landed at Wareham with a body of horſe, was received into Corfe-caſtle, one of the ſtrongeſt in the iſland. Stephen immediately went and beſieged him there; but he was adviſed by his council to deſiſt from that enterprize, and apply all his vigilance to guard the ports, at which they apprehended that Matilda and her brother would endeavour to land.

land. He did ſo; but his care was deceived by an intrigue which he did not ſuſpect. BOOK I. A. D. 1139.

Adelais, the widow of King Henry the Firſt, though ſhe was married again to William de Albiney, earl of Arundel and of Suſſex, retained ſuch an affectionate regard to the memory of her deceaſed huſband, that ſhe kept up a ſecret friendſhip with his daughter Matilda, which the earl of Gloceſter now thought they might avail themſelves of, to draw them out of the difficulties they were under how to land with ſafety in England. Arundel caſtle was a part of her dower. Stephen had put no garriſon into it, out of reſpect to the lady in whoſe right it was held; nor did he think of guarding the coaſt about it with an army or a fleet, as he had no ſuſpicion of her correſponding at this time with the empreſs, becauſe he lived in friendſhip with her huſband. A ſecret application was therefore made to her, by the earl of Gloceſter and Matilda, to receive them into that caſtle; which ſhe conſenting to, they came into Arundel haven, on the laſt day of September, in the year eleven hundred and thirty nine. After making a very ſhort abode in the caſtle, the earl, attended only by twelve of the horſemen whom he had brought over from Anjou, went from thence in a dark night, and travelled towards Briſtol, by unfrequented roads, paſſing unknown through a country that was more than any other devoted to the king. When he was come about half of his way to that city, Brian Fitz-comte, gover-

Vid. auctores citat. ut ſupra.

governor, or conſtable, of Wallingford caſtle, met and eſcorted him, during the reſt of his journey, with a good body of troops. Thus he arrived ſafe at Briſtol: but it appeared no ſmall hazard, to which he expoſed the perſon of Matilda, by leaving her thus ſhut up in Arundel caſtle. Yet he thought he might ſecurely depend upon the faith of the dowager queen, and the great ſtrength of the place, which the enemy could not take without a long ſiege; ſo that he hoped to relieve it, before his ſiſter ſhould ſuffer any extreme inconvenience, and to make himſelf maſter of all the weſt of England, while Stephen was employed in beſieging her there. The project was that of a great man, extraordinary, but well grounded. And Matilda's courage was ſuch, that there is reaſon to believe, ſhe gave her conſent to it with as much confidence as her brother adviſed it.

V. auctores cit. ut ſupra.

Intelligence being brought to the king of her landing, he inſtantly quitted Marlborough, which he was beſieging, and, with the beſt of his forces, very expeditiouſly came before Arundel caſtle, hoping to find the earl of Gloceſter there with the empreſs. But, when he was informed that the earl was gone, he purſued him, with part of his troops, leaving a ſufficient number to block up the caſtle, and, the purſuit being ineffectual, returned to the ſiege and preſſed it vigorouſly, thinking, with good reaſon, that he ought to make *that*

his principal object, his principal enemy being there encloſed. But the biſhop of Wincheſter adviſed him to let her go out of the caſtle and join the earl of Gloceſter, under a notion that he might more eaſily ſubdue them together, than while they were ſeparate. Stephen was ſo weak as to follow this advice, and having firſt given her hoſtages, as well as his oath, for her ſecurity, ſent her under his own ſafe conduct to Briſtol, eſcorted by his brother and the earl of Meulant, his chief miniſter: a thing hardly credible, if it were not atteſted by ſo many hiſtorians, that a king ſhould convey a princeſs, who came to invade and claim his kingdom, out of a caſtle in which he held her beſieged, to another part of the country, where her greateſt ſtrength and intereſt lay, ſafely and peaceably, under the guard of his own troops! It was indeed a ſtrange effect of that infatuation, which ſometimes ſeems to ſhew itſelf in the conduct of ſovereigns, whom the Providence of God intends to chaſtiſe. For even ſuppoſing that it would have been neceſſary for Stephen to go, and make head in the Weſt againſt the earl of Gloceſter, he might have committed the ſiege of Arundel caſtle, during his abſence, to William of Ipres, or at leaſt have blocked up the place ſo cloſely, by ſea and by land, as to hinder Matilda's eſcape, inſtead of ſending her to head her friends, diſpel the anxieties they were in for her ſafety, and foment the revolt.

The

The biſhop of Wincheſter in giving this counſel certainly acted perfidiouſly; for he was not capable of ſuch an error in judgment. It was a publick report, that he had met the earl of Gloceſter on his journey to Briſtol, and held an amicable conference with him: but, I preſume, he made uſe of other more ſecret means of negociating with the empreſs, whom he had invited by letters to come into England, and with whom he undoubtedly had been long in connection, poſſibly even from the time of his firſt diſcontent againſt his brother. He ſaw that the meaſures the king purſued would in all probability occaſion his deſtruction, and therefore deſired to ſecure a ſupport to himſelf, that he might not fall with him. He did it however ſo artfully, that Stephen was duped by it, and believed him his friend, as appears by his following his advice in this inſtance; which is very ſurpriſing, after the ſcene that had lately paſſed in the council of Wincheſter. Matilda, having been thus, by the aſſiſtance of this prelate and the folly of Stephen, delivered from her confinement in Arundel caſtle, found herſelf miſtreſs, in a very ſhort time, of a conſiderable part of the kingdom. The earl of Gloceſter had ſo fortified the city of Briſtol as to make it impregnable. He alſo poſſeſſed the county of Glamorgan, which came to him by his wife; and, as his mother was daughter to Rhees ap Teudor, the laſt king of South-Wales, he derived from the

Vid. auctores cit. ut ſupra.

V. Malmſb. hiſt. nov. l. ii. f. 108. ſect. 10.

Geſt. Reg. Steph. from p. 947 to 952. Malmſb. hiſt. nov. Huntingdon. Ord. Vital.

the affection of the Welſh to her family a great intereſt there, which was ſtill encreaſed by his cloſe union with two of the moſt powerful lords in thoſe parts, who were couſin germans, and acted together, in ſupport of Matilda, namely, Brian Fitz-comte and Milo Fitz-walter. The former of theſe poſſeſſed the lordſhips of Abergavenny and Overwent, in what is now the county of Monmouth: the latter enjoyed the beſt part of Brecknockſhire in right of his wife, with ample poſſeſſions in two of the Engliſh counties adjoining to Wales, Herefordſhire and Gloceſterſhire, having alſo the government of the royal caſtle of Gloceſter, and being hereditary conſtable of England. But the power of this baron was of leſs uſe to Matilda than his perſonal talents. Very few men of thoſe times were comparable to him either in counſel or action. By his activity, valour, and diſcretion; and by the abilities of the earl of Gloceſter, who had all the great qualities that are requiſite in the head of a party, and all the virtues that could be conſiſtent with the unhappy neceſſities of that ſituation, the cauſe of the empreſs was ſupported: and with their help ſhe gained ſtrength, though unaſſiſted by any foreign powers, and without any other means of maintaining the war, than what ſhe drew from the war itſelf, or from the voluntary aid of her friends; being in ſuch want of money, that her very houſhold and table were now kept at Milo's expence, in the caſtle of Gloceſter; where,

Gerv. Chron. Norm. Flor. Wigorn. contin. omnes ſub ann. 1139, 1140. Gul. Neubrig. l. i. p. 362. Chron. Sax. p. 238, 239.

after a ſhort abode at Briſtol, ſhe went to reſide.

Stephen exerted himſelf with great ſpirit and reſolution in the defence of his crown. He was continually at the head of his forces, oppoſing his own perſon to every danger, beſieging caſtles, or marching to the relief of his friends, when any of their's were attacked. Among other exploits, he drove the biſhop of Ely out of that iſland, where he had declared for the empreſs, truſting to the natural ſtrength of the place and the fortifications of his epiſcopal palace. The forcing of theſe was indeed an arduous enterprize: but Stephen, by a well-conducted aſſault, made himſelf maſter both of the iſland and caſtle; the biſhop with difficulty eſcaping to Briſtol, and leaving all his riches a prey to the conqueror. His uncle, the biſhop of Saliſbury, had died very miſerably, a little before, of grief and anger at the loſs of his caſtles and treaſures, which, as ſoon as he perceived that the council of Wincheſter could not oblige the king to reſtore them, had affected him even to a degree of frenzy: and he had the additional torment of ſeeing the laſt remainder of his wealth, which he had depoſited in his cathedral at Sarum, taken from that church, while he lay on his death-bed, and delivered up to the king, by his canons themſelves. Such was the end of this ambitious, crafty, ungrateful man, who, having been raiſed from the duſt, by the extraordinary favor of King Henry, his maſter, to the higheſt

fortune

fortune a ſubject could deſire, abandoned the daughter of his deceaſed benefactor, and, in contempt of repeated oaths, was a principal inſtrument of giving the crown of England to the earl of Boulogne. But Providence puniſhed him, even by the hands of that prince for whom he had violated ſo many duties: his own exorbitant riches, immoderate greatneſs, and inſolent pride, being the apparent cauſes of his ruin.

Stephen, having thus repleniſhed his empty coffers, was enabled to encreaſe his mercenary forces, and bribe the nobility of his party with liberal gifts, the only bonds by which he now preſerved their affections. Yet many forſook him, and others remained in a ſtate of ſullen indifference, waiting the event of the war, and fortifying themſelves in their own diſtricts. Even thoſe who ſtill preſerved their fidelity to him were hardly his ſubjects; and he was forced to obtain from them a mere external form of obedience, by ſacrificing the dignity and power of the crown. All the inconveniences and faults of the feudal ſyſtem, which had been in ſome meaſure concealed, while the reins of government were in prudent and vigorous hands, now diſcovered themſelves by endleſs ſubdiviſions of oppoſite factions even in the ſame party; by continual attempts of the greater vaſſals to oppreſs the inferior, or of the inferior to ſhake off their ſubjection; and by ſtrong combinations of criminals for

mutual ſupport againſt any coercion or chaſtiſement of law. Stephen had not the capacity to reduce into order all this confuſion. The attempts he made to that purpoſe ſerved only to perplex and embroil him the more. When he endeavoured to ſooth and conciliate, he hurt his affairs by an exceſſive complaiſance: when he meant to exert the royal authority he ran into violence and abſolute deſpotiſm. His moſt reaſonable meaſures were often ill timed; ſo that they either miſcarried, or proved detrimental to him in their ſucceſs. The clergy, who before had been his principal ſtrength, were now his worſt enemies, charging him with ingratitude, impiety, tyranny, and turning every ſermon into a libel againſt him and his government. The biſhops indeed were not yet in open rebellion againſt him; but they complained, they caballed, they ſhewed ſtrong marks of a total alienation; ſo far, that in the year eleven hundred and forty when he kept his Whitſuntide feſtival in the Tower of London, and held a great council there, according to ancient cuſtom, he was not attended in it by one Engliſh prelate. Upon the death of the biſhop of Saliſbury, the biſhop of Wincheſter had recommended a nephew of his own to that ſee: but Stephen, either ſuſpecting his intrigues with the empreſs, or, at leaſt, being afraid of encreaſing his power, preferred the recommendation of the earl of Meulant. After this publick and ſenſible mortification, he left the court with open diſguſt, and came thither

V. Malmſb. hiſt. nov. l. ii. f. 105. § 20.

Vid. auctores cit. ut ſupra.

thither no more for ſome time. Nevertheleſs, as he thought it neceſſary to keep up an appearance of fraternal affection, he ſet on foot a treaty of peace between the king and Matilda, about the beginning of ſummer in the year eleven hundred and forty, offering himſelf to be the mediator. Stephen had cauſe to diſtruſt his mediation, but could not in decency reject ſuch a propoſal from the pope's legate and his own brother, eſpecially as it was not refuſed by Matilda. A congreſs was appointed near Bath, where the plenipotentiaries on the ſide of Matilda were the earl of Gloceſter and other perſons, whoſe names I do not find mentioned; on Stephen's, his queen, the archbiſhop of Canterbury, and the biſhop of Wincheſter. But it was a mere ſhew, to impoſe upon the publick; the quarrel being ſuch as could not reaſonably admit of any agreement. Matilda very artfully declared herſelf willing to ſubmit her pretenſions to the judgment of the church, knowing that the biſhops were almoſt all her friends; which being likewiſe no ſecret to the king, he would not conſent to their partial arbitration. Thus the congreſs broke up, without any benefit to either party, except what the legate in concert with the empreſs expected to gain by it, the having made her more agreeable and Stephen more odious to the clergy of England, by the compliment ſhe had paid to them and he had rejected. Yet, as the nation was ſinking under the miſeries it bore from the war, and the biſhop of Wincheſter's

reputation, abroad, as well as at home, rendered it neceſſary for him to ſeem to deſire that peace ſhould be made, he went over to France in September, to treat of it there with his brother, the earl of Blois, and with the French king, whoſe mediation as Stephen could not well refuſe (that prince having lately married his ſiſter to Euſtace Stephen's ſon) ſo Matilda came into it, truſting to the intelligence ſhe had with the biſhop. About the end of November he returned into England, with a project of peace, the conditions of which are not mentioned; but they were ſo advantageous to the empreſs, that ſhe agreed to them without any heſitation. Stephen, after ſome doubt, rejected them: upon which the biſhop immediately retired from court, and profeſſed a reſolution to meddle no more in publick affairs. One may conjecture that the project was, to give England to Matilda, Normandy to Stephen, and the earldoms of Mortagne and Boulogne to Prince Euſtace; for in all probability no other propoſal would have been at this time received by Matilda, nor could leſs be offered to the king. The court of France would have found their account in the ſeparation of England from Normandy, and the biſhop of Wincheſter might flatter himſelf with the hope, that he ſhould more abſolutely govern that kingdom under Matilda, than he could under Stephen, whoſe affection he knew he had loſt. But one can hardly ſuppoſe that he had much expectation of prevailing on that prince

prince to accept of theſe terms. He rather propoſed to gain credit with the clergy and people, as having impartially laboured for the peace of the kingdom; and to leave his brother accountable for all the calamities attending the war. Theſe were greater than any that England has ſuffered, in any other period, before or after theſe times. The whole realm was full of caſtles, the lords of which having declared either for the king or the empreſs, or keeping themſelves in a ſtate of independance and anarchy, ravaged and plundered the country all round about them, with little diſtinction of friends from foes; as moſt of their garriſons had no means of ſubſiſtance, except from theſe depredations. They tore the very beds from the farmers and huſbandmen; and, not being ſatisfied, in the houſes of the rich, with unmercifully pillaging all they could find, they ſeized the perſons of thoſe they knew, or only ſuſpected, to have any reſerve of money or effects concealed from their ſearch, and bearing them off compelled them to deliver it up, by all the horrid variety of exquiſite torments which the moſt ſkilful cruelty could invent, ſuch as had never been heard of before in this nation, and of which the deſcription itſelf would be painful to human nature. The terror cauſed by theſe outrages was ſo univerſal, that moſt of the villages and farms were deſerted; the lands were uncultivated; and, famine enſuing, multitudes died of hunger. Commerce and induſtry were extinct; the merchants

Vid. auctores citat. ut ſupra.

were ruined; ſome of them left the kingdom; others, who before the troubles began had been poſſeſſed of great wealth, now begged their bread from door to door. The ſeats of the gentry were deſtroyed; towns and cities were fired; not even the convents or churches were ſecure from rapine and ſacrilege. The great number of foreign troops, which both the contending parties now brought into England, completed it's ruin. Stephen's mercenaries, hardened to every crime, inhuman, remorſeleſs, infeſted and deſolated all parts of the country that was ſubject to Matilda. On the other ſide, the earl of Gloceſter, compelled by neceſſity, called in, to his aid, ten thouſand Welſh, rapacious and bloody barbarians, whom he could not reſtrain by the curb of any regular diſcipline, to which, in their own country, they had not been accuſtomed. Indeed his authority was forced to give way to the licentiouſneſs of the times: for even the city of Briſtol, his head quarters, became, during the courſe of theſe inteſtine diſorders, a mere ſtronghold of banditti, out of which they continually made excurſions to plunder the neighbouring counties, returning with numbers of miſerable captives, whom they conſtrained to redeem themſelves with all they had and murdered many of them in tortures, to extort from them a confeſſion of what they could raiſe, or force them to pay beyond their means. Thus all the enormities, that avarice, luſt, and rage, unawed by government, could be guilty of, in their utmoſt

utmoſt exceſſes, were committed alike by both parties: and in this manner the civil war had continued more than three years, without any great battle having been fought or deciſive advantage obtained: but the events of the year eleven hundred and forty one were very important.

Among the Engliſh nobility none was more powerful, none of more conſequence to either of the parties, than Ranulph earl of Cheſter. He had married a daughter of the earl of Gloceſter; but notwithſtanding ſo intimate a bond of alliance, he had hitherto avoided to engage with Matilda, becauſe he had received many favors from Stephen. Yet that monarch had been forced to give him ſome cauſe of diſcontent. The town of Carliſle and county of Cumberland had been granted to his father by William the Firſt; but his intereſt in them had lately been ſacrificed to the peace made with Scotland, at which he expreſſed much reſentment. The king ſought to appeaſe him by other grants of crown lands; and he appeared to be ſatisfied with theſe compenſations, till from other incidents a new quarrel aroſe between them. William de Raumara, half brother of the earl, enjoyed the earldom of Lincoln as part of the inheritance of Lucia their mother, who was ſiſter to Edwin and Morcar: but Stephen withheld from him the caſtle of Lincoln, and kept it in his own hands, as belonging to the crown. Nevertheleſs the two brothers, having got poſſeſſion of it by fraud

H. Huntingd. Gervaſe. Neubrigenſis, Ord. Vit. et. Geſt. Reg. Steph. ſub. ann. 1141. Malmſb. hiſt. nov. f. 105, 106.

A. D. 1141.

BOOK I.

Vid. auctores cit. ut ſupra.

fraud and ſurprize, drove out the garriſon placed there by the king, who, though grievouſly offended, thought it neceſſary to ſeem to forgive it, and before he departed out of the county of Lincoln, into which he had marched upon the news of this event, confirmed the claim of William de Raumara, and left them both, not only aſſured of his pardon, but even graced with new dignities and other marks of his favor. They ſo much confided in theſe ſhews of reconciliation, or ſuppoſed it ſo dangerous for him to break with them, that they kept the caſtle ill provided againſt a ſiege; which the citizens of Lincoln obſerving, and being no friends to either of the earls, ſent information to Stephen, that he might, by a ſudden attack, take the caſtle and the perſons of the two brothers therein, without any difficulty: offering to aſſiſt him themſelves in this attempt. The king, neither ſufficiently weighing the conſequences, nor regarding how much his honor might be hurt by ſuch an act of hoſtility done againſt thoſe, to whom, juſt before, he had given new aſſurances and pledges of friendſhip, received the propoſal with joy. The greater part of his forces was then quartered at London, or in the country about that city, where he had deſigned to hold his court at the Chriſtmas feſtival now approaching. Theſe were preſently drawn together; and his barons having been ſummoned to meet him at Lincoln, on a day he appointed, the town was filled with his troops, and the caſtle inveſted, amidſt

amidſt the ſolemnity of the Chriſtmas week, without regard to the religious ceſſation of arms uſually obſerved at that time, and before any intelligence of his coming againſt them had been given to the earls. As they apprehended no danger, they had not even ſent away their wives, whom they had lately brought thither, and whoſe preſence much aggravated the diſtreſs they were in, at finding themſelves now beſieged by Stephen. But the earl of Cheſter eſcaped out of the caſtle by night, or (as ſome authors ſay) at the inſtant when the king was entering the town; and got ſafe into Cheſhire, where he raiſed all his vaſſals, and even drew to his banner ſome of the neighbouring Welſh. Yet not thinking this army ſufficient to encounter with that of Stephen, he applied to the earl of Gloceſter, and, with ſtrong proteſtations of future fidelity and gratitude to Matilda, implored him to join his troops to thoſe which he had collected, and inſtantly march to relieve the caſtle of Lincoln. The earl of Gloceſter, concerned for the ſafety of his daughter, and conſidering it as a point of the utmoſt importance to fix the two brothers in the party of the empreſs, determined at once to comply with this requeſt. A good body of his forces lying at Gloceſter, he marched them out of that city; and, being joined on the road by the earl of Cheſter and his troops, advanced towards Lincoln; but concealed his real deſign under other pretences, till he had led his army ſo far into the enemy's country, that the difficulty

Malmſb. hiſt. nov. l. ii. f. 106. H. Huntingd. Ord. Vital. Gervaſe, et Neubrigenſis, ſub ann. 1141.

culty of retreating made it neceſſary for them to ſeek their ſafety in the good ſucceſs of their arms. For he doubted their readineſs to engage in the enterprize, if they had been told on what ſervice they were to go, before they ſet out. When they approached nigh to Lincoln, the caſtle was juſt on the point of ſurrendering, having with very great difficulty held out ſix weeks, by the valour of the garriſon. As ſoon as ever the king had intelligence of his coming, he immediately drew his forces out of the town, and ranged them on a plain, at a little diſtance from it, in order of battle, being no leſs deſirous to fight than the enemy, whom he exceeded in number (as ſome of the contemporary writers affirm) or at leaſt had more knights and men at arms, in whom, at that time, the greateſt ſtrength of an army was ſuppoſed to conſiſt. Not far from the ground where he had thus taken poſt, the earl was ſtopped in his march by the impediment of a ford, which being flooded by a ſudden rain that had fallen was become very dangerous. Nevertheleſs he reſolved to paſs it, and executed that reſolution without any loſs. One author ſays, that Stephen detached a ſtrong body of forces, both horſe and foot, to oppoſe him in his paſſage, and that they were defeated: but, as William of Malmſbury, (who would ſcarce have omitted a circumſtance which added to the glory of the earl of Gloceſter, his patron) in deſcribing the difficulties he met with on this occaſion, takes notice only

V. Geſt. Reg. Steph. p. 952.

only of the depth of the waters, it may be preſumed that no oppoſition was made by the enemy.

The royal army was drawn up in three bodies. That where the king erected his own ſtandard, and which he commanded in perſon, he made very ſtrong; but formed it entirely of foot; having diſmounted the beſt of his cavalry, and placed them there, in a compact battalion or phalanx, which method had been lately and ſucceſsfully practiſed by his own generals at the battle of Cuton-moor. He was himſelf on foot at the head of them, having ſent away his horſe to ſome diſtance; as he had alſo ſent thoſe of all the men at arms who were in this diviſion. The two other diviſions were cavalry, which he advanced on the flanks before his foot. One of theſe was led by Alan earl of Dinan and of Richmond, with whom were joined the earls of Meulant, of Norfolk, of Surrey, of Pembroke, and of Northampton. The other was commanded by William Ipres, and by the earl of Yorkſhire and Albemarle, who had under his banner ſome of thoſe brave northern barons, by whoſe aſſiſtance he had triumphed over the Scotch. But both theſe bodies of horſe were weak in their numbers: for the nobles, who came to ſerve at the ſiege of Lincoln caſtle, had brought with them few of their vaſſals; and Stephen, in order to ſtrengthen his main body, or center, had very much diminiſhed the force of his wings. When the earl of Gloceſter came up, and ſaw the

H. Huntingd. f. 223, 224. Chron Norm. p. 978. Gervaſe. Neubrigen. et Hoveden, ſub ann. 1141.

the diſpoſition the king had made, he likewiſe formed his order of battle in three diviſions. One was entirely compoſed of thoſe barons and knights whom Stephen had deprived of their lands: a remarkable inſtance of the unhappy ſtate of thoſe times! By whom they were led we are not told; but among them were ſeveral earls; and they made a moſt formidable body of cavalry, all breathing revenge, and determined either to die, or regain their poſſeſſions, that day. Another diviſion was under the conduct of the earl of Cheſter, conſiſting of forces exerciſed in continual wars with the Welſh, of which part were horſe and part foot. Theſe two bodies were placed over-againſt the king's cavalry, upon the flanks, and the earl of Gloceſter himſelf commanded the center, which was oppoſed to the king's. We have no certain account of what troops it was formed; but it ſeems to have had in it both horſe and foot, and to have chiefly conſiſted of his own vaſſals, with whom he had taken Nottingham a little before. I do not find that he followed the example ſet by the king, in ordering any of his horſemen to diſmount, and fight on foot. But beſides theſe diviſions there was a conſiderable body of Welſh, which he poſted at ſome diſtance upon one of his flanks, wiſely avoiding to mix thoſe irregular forces with his line of battle, for fear that they ſhould throw it into confuſion. The two armies being thus marſhalled, they both were encouraged by military orations, according to the cuſtom that

that prevailed in thoſe days; but the impracticability of retiring with ſafety was a ſtronger incitement to the troops of the earl of Gloceſter than any harangue. Fatigued as they were with a long and toilſome march, they boldly advanced to attack the king in his poſt, without taking the leaſt refreſhment. The battle was begun by thoſe he had ſtripped of their patrimonies. They fell with great fury upon the body of cavalry led by the earl of Richmond, and being too eager to loſe time in tilting with their lances, as it was then the faſhion for knights to do, threw them away, and came up to a cloſe fight with their ſwords; which ſo daunted the enemy, that they made no reſiſtance: many were killed, and many taken; but the greater number of them fled; and among theſe all the earls who belonged to that diviſion. While this was doing, William of Ipres and the earl of Albemarle attacked and routed the Weſh: but the earl of Cheſter, in that inſtant, vigorouſly charging their troops, which the action with the Welſh had thrown into diſorder, they were entirely defeated. Thus, both his wings being beaten and diſſipated, the king was left without horſe. The victorious troops did not purſue the flying ſquadrons, but joined the earl of Gloceſter; and, having ſurrounded the body of infantry in the center, where Stephen was in perſon, attacked it on every ſide, with all the alacrity that a certain expectation of victory could inſpire. Yet, as all thoſe of whom it was com-

compoſed were veteran ſoldiers, and animated by the preſence and example of their king, they did the utmoſt, that, in ſuch circumſtances, courage and diſcipline could perform, facing about every way, and maintaining the cloſeneſs of their order unbroken, though (to uſe the expreſſion of an hiſtorian who lived in thoſe times) *they were inveſted and beſieged like a caſtle.* The form of the battle now bore a great reſemblance to that of Haſtings. The king's phalanx, like that of Harold, was aſſaulted at once by horſe and foot, but remained invincible for ſome time; till the earl of Cheſter diſmounting, and commanding all his cavalry likewiſe to diſmount, broke in, by the weight and ſtrength of thoſe heavy-armed troops, and preſſed hard upon the king, who bravely defended himſelf in the midſt of his enemies, and ſtruck the earl ſuch a blow upon the creſt of his helmet, that he overthrew him to the ground deprived of his ſenſes. Nor would he, though all about him were ſlain or made priſoners, turn his back or ceaſe from fighting, till, with the number and violence of his ſtrokes, his battle-axe broke in his hands, and after that his ſword alſo: upon which William de Kahames, a knight of great ſtrength, ſeizing him by the creſt of his helmet, and more coming up to aſſiſt in taking him, he was forced to yield himſelf priſoner; but to no other than his couſin, the earl of Gloceſter, would he deign, even in that extremity, to ſurrender. Some contemporary writers

V. Huntingd. ut ſuprà.

V. Hagustald. P. 224.

V. Hen. de Huntingdon, f. 224. Gervaſe et Hoveden, ſub ann. 1141.

writers add, that, before he was taken, he had been wounded in the head and knocked down by a ſtone. Certain it is that greater perſonal valour never was ſhewn in any action, than by him on that day: but as a commander he may be blameable, for not having charged the forces of the enemy while they were paſſing the ford; and for giving them time, when they had paſſed it, to form without moleſtation. He alſo ſeems to have erred in leaving the cavalry, poſted on his flanks, too weak in numbers to contend with that of the empreſs, by having diſmounted ſo many of his beſt horſemen, in order to ſtrengthen his body of infantry; not well conſidering, that the defeat of his wings would inevitably occaſion that of his center. The precedent ſet him at Cuton-moor was improperly followed; becauſe, as the Scotch had few horſemen, it might not there be ſo neceſſary to oppoſe any to them: but, as the earl of Gloceſter was ſtrong in cavalry, Stephen ſhould have kept his, which at firſt was ſuperior, equal at leaſt to the earl's: eſpecially being to engage on an open plain. It muſt however be owned, that both his wings behaved ſo ill, as to give us ſufficient reaſon to impute their defeat rather to their fear than their weakneſs. Yet they conſiſted of men renowned for courage; which made ſome of the contemporary writers ſuppoſe, that their flight was occaſioned by treaſon. But, as after this time they continued to ſerve the king faithfully, it may be better

Malmſbury. Gervaſe.

accounted for by thoſe ſudden terrors, which ſometimes ſeize the beſt troops, when they are greatly outnumbered. Certainly nothing contributed more to the gaining of the battle, than the good diſpoſition made by the earl of Gloceſter, eſpecially in his placing of the auxiliary Welſh; and the prudent conduct of thoſe who led his wings, in reſtraining their ſoldiers from purſuing the horſe they had beaten, till they had completed the victory by the entire defeat of the enemy's foot.

A. D. 1141. Stephen was now in the cuſtody of that earl, who treated him with the greateſt humanity, forbidding all perſons to reproach or inſult him under the change of his fortune, and paying him the reſpect that was due to his dignity and royal blood. He preſented him firſt to the Empreſs in the city of Gloceſter, and then removed him to Briſtol, where he kept him in a ſafe but gentle confinement.

Malmſb. hiſt. nov. f. 106.

Malmſb. hiſt. nov. f. 106, 107. H. de Huntingd. f. 225. Geſt. Reg. Steph. l. i. p. 953 ad 958. Gerv. Chron. ſub ann. 1141.

This event ſeemed to decide the fate of the kingdom. The biſhop of Wincheſter now reſolved to throw off the maſk, and declare for Matilda; but not without ſuch conditions as he judged neceſſary to ſecure his own intereſt, which was indeed the ſole principle that directed his conduct. That princeſs permitted him to make his own terms, knowing of what importance his friendſhip was to her at this critical time, and meaning, perhaps, to keep her faith with him afterwards, no better than he himſelf had kept his with her, and with his

his own brother. All being previouſly ſettled between them, they met in an open plain, near the city of Wincheſter, on the ſecond of March, in the year eleven hundred and forty one, where, in a numerous aſſembly of barons, of biſhops, of clergy, and people, ſhe publickly ſwore to him, *that he ſhould have the direction of all the great affairs of the kingdom, and particularly the diſpoſal of abbeys and biſhopricks, if he and the church would conſent to receive her as queen, and would preſerve their fidelity to her inviolate.* Her brother the earl of Gloceſter, and the chief lords of her party, made themſelves ſureties for her, that ſhe ſhould perform the covenant of this oath, and took one themſelves to the ſame purpoſe. The biſhop, in return, received her *as queen*, and together with ſome of his friends, who were pledges for him, ſwore to be faithful to her *as long as ſhe kept her part of the compact.*

Thus did this prelate, with the moſt unexampled aſſurance, openly ſtipulate, in the face of the world, the conditions of advantages and power to himſelf, upon which he was willing to concur in dethroning his unfortunate brother. The next day Matilda was put into poſſeſſion of the royal caſtle at Wincheſter, where the ſceptre and crown, with all that remained of the king's treaſure, were kept. She ſeemed much delighted to ſee herſelf miſtreſs of the enſigns of royalty, ſo long uſurped by another, and cauſed herſelf to be inſtantly proclaimed queen of England in the market place

Geſt. Steph. Reg. p. 954. Malmſb. ut ſupra.

of the town: after which ſhe proceeded in a ſolemn proceſſion to the cathedral church; the biſhop of Wincheſter, as the legate of the pope, leading her by the right hand, and the biſhop of St. David's as primate of Wales, by the left. She was alſo attended by many temporal barons, and by the biſhops of Hereford, Lincoln, Ely, and Bath, with ſeveral abbots. When divine ſervice was over, the legate, from the pulpit, curſed all her enemies, and bleſſed all her friends. He then by his letters invited Theobald archbiſhop of Canterbury, and all the other abſent biſhops, to come and do their homage to her at Wilton: which place ſhe removed to, as ſoon as the ceremonies of her reception at Wincheſter were all performed: but that prelate, who owed his ſee to the favor of the king, and who never had taken any oaths to Matilda, had, or pretended to have, a ſcruple of conſcience, about obeying thoſe ſummons, without being ſet free from his obligations to Stephen by the expreſs conſent of that prince himſelf. Whereupon he and his brethren, with ſome of the temporal barons, who alſo thought it decent to act the ſame part, were allowed to ſpeak with the king; from whom they obtained the permiſſion which they aſked, and which they were well aſſured he durſt not deny. Matilda, having received their fealty and homage, removed from Wilton to Reading; where ſeveral of the nobility came to attend her and make their ſubmiſſions to her; particularly Robert d'Oili,

Vid. auctores citat. ut ſupra.

d'Oili, governor of the caſtle of Oxford, which he having conſented to deliver up to her, ſhe went to that city, and kept there the Eaſter feſtival in royal ſtate. BOOK I.

Preſently after that time, the biſhop of Wincheſter ſummoned all the prelates and clergy of England, to meet him at Wincheſter, in a council or ſynod aſſembled by virtue of his legatine power. The greater part of them came, and thoſe who did not come ſent letters to aſſign the cauſe of their abſence. The legate preſided, notwithſtanding the preſence of the archbiſhop of Canterbury, and having ordered the letters to be read in the council, did no other buſineſs there that day, but taking the biſhops apart conferred with them in ſecret, and then with the abbots, and laſtly with the archdeacons. The next day he addreſſed himſelf to the whole aſſembly, and ſaid, that by the authority which he had been honored with from the pope, whoſe repreſentative he was in this kingdom, he had called them together, to conſult with them about the peace of their country, which was in great danger of total ruin. He recalled to their remembrance the proſperous reign of his uncle, King Henry, upon which he enlarged with many and high encomiums. Then he reminded them of the ſettlement made by that king on his daughter, and of the repeated oaths taken to her during his life; the breach of which he excuſed by the delay of Matilda, who did not immediately come over to England upon the death of her

V. Malmſb. hiſt. nov. f. 106, 107.

BOOK I. father, and by the neceſſity of providing for the peace of the kingdom, on which account, he ſaid, his brother *was permitted to reign:* But although he himſelf had been ſurety for that prince, and in the moſt ſolemn manner had pledged his faith, that he ſhould honor and exalt the holy church, maintain good laws, and abrogate bad, he muſt with grief put them in mind how ill he had governed: that, in the very beginning of his reign, the peace of his kingdom had been wholly deſtroyed; after that time no juſtice done; biſhops impriſoned, and violently compelled to give up their poſſeſſions; abbeys ſold; churches plundered; the counſels of wicked men heard, thoſe of the good diſregarded. "You know (ſaid he) "how often, as well by myſelf, as by my "brethren the biſhops, I have applied to the "king for a redreſs of theſe grievances; "eſpecially in the council called by me laſt "year; and got nothing by it but hatred. "Nor can any thinking man doubt, that my "affection to my brother, how tender ſoever, "ought to give place to that which I owe to "the ſervice of my heavenly father. Since "therefore Almighty God has been pleaſed to "inflict ſuch a judgment upon him, as to "permit him to fall into the hands of his "enemies, while I was a ſtranger both to his "counſels and actions, leſt the ſtate ſhould be "overturned for want of a ruler, I have, by "virtue of my legatine power, invited you all "to this aſſembly. The matter was yeſterday

"con-

" considered in private by the greater part of the Engliſh clergy, *to whom the privilege of electing and ordaining a ſovereign more particularly belongs*. Having therefore firſt invoked (as our duty requires) the aſſiſtance of God, *we do elect to rule over both England and Normandy Matilda the daughter of our late king*, a king who loved peace and procured it for his people; a king, in glory, wealth, and goodneſs, excelling all others who have lived in our times: and we promiſe to keep inviolate our fidelity to her, and to ſupport her againſt all her opponents." BOOK I.

Such was the ſpeech of the biſhop of Wincheſter on this extraordinary occaſion, as delivered down to us by William of Malmſbury, who ſays, that he was preſent himſelf in the council, and very exactly remembered the ſubſtance of every thing that paſſed there. The whole aſſembly having expreſſed their aſſent, by their acclamations, or at leaſt by their ſilence, to what that prelate had ſaid, he added theſe words: " The citizens of London, " *who on account of the greatneſs of their city are conſidered as nobles in England*, have been " ſummoned by our meſſengers, and have received a ſafe conduct from us; nor do I " doubt that they will be here to-morrow. " Let us wait for them, if you pleaſe." The next day, certain deputies from that city arrived, and ſaid, " They were ſent from *the* Malmſb, ut ſupra.

" *community of London*, not to contend, or " debate, but to pray in their name, that their " lord, the king, might be ſet free: which " not only they, but likewiſe *all thoſe barons*, " *who had long ago been admitted into their* " *body*, moſt earneſtly begged of the legate " and council." Whence it aroſe that ſome *barons* had been incorporated into the city of London, will be explained hereafter. The legate made a copious reply to the deputies, repeating what he had ſaid the day before, and adding, that it did not become the citizens of London, *who were reputed among the chief men of the kingdom, and as of the nobility*, to take part with thoſe who in battle had deſerted their lord, to whoſe advice it was owing that he had diſhonored the church, and who ſeemed to favor the Londoners for no other reaſon, but to draw as much of their money from them as they poſſibly could. Then ſtood up a prieſt, who was chaplain to Stephen's queen, and delivered to the legate a letter from that princeſs, which having looked over, he ſaid, it was not fit to be read: for that, beſides many improper and blameable matters which were contained in it, one of the witneſſes, who had ſet his name to it, had, in that chamber itſelf, a twelvemonth before, ſpoken very diſreſpectfully of the biſhops. He then returned it to the chaplain, who read it himſelf to the council, notwithſtanding the oppoſition made by the legate; an admirable inſtance of ſpirit and

and reſolution, which ſo affected the council, that all the authority of that imperious prelate could not prevent them from hearing it with a decent attention! The ſubſtance of it was, that the queen implored the whole clergy there aſſembled, and more particularly the biſhop of Wincheſter, her huſband's own brother, to reſtore to his kingdom that monarch, their liege lord, whom wicked men, who were bound to him by homage and fealty, had thrown into priſon. To this the legate replied with all the ſame arguments, that he had uſed to the deputies of the city of London, who, after ſome conſultation among themſelves, declared, "they would communicate "the decree of the council to their fellow-"citizens, and influence them in favor of it, "as far as they could." The legate concluded the acts of this aſſembly by a general ſentence of excommunication againſt all the adherents of the king, and, particularly, againſt William Martel, who had more than any others incurred his diſpleaſure, by having intercepted and plundered his baggage.

Thus did a biſhop of Wincheſter, acting as a miniſter of the pope, and the Engliſh clergy under him, aſſume a power to diſpoſe of the kingdom of England, and of the dutchy of Normandy, by what they called an *election*, without the conſent, or participation, of the temporal barons or people of either country, having

having only ſummoned the deputies of the city of London to their council. The whole proceeding was without a precedent; nor has any thing like it been done in later times. But the bigotry of that age produced ſuch monſtrous acts, as the reaſon of the preſent can hardly believe.

NOTES

NOTES

ON THE

HISTORY

OF THE

Revolutions of ENGLAND,

From the Death of EDWARD the Confeſſor to the Birth of HENRY the Second.

P. 1. *THE kingdom of England after having been harraſſed by the invaſions of the Danes, and ſubject ſucceſſively to* three *kings of that nation*, &c.

Sueno, or Swain, the father of Canute the great, was juſt before his death acknowledged king of England, (Vid. Chron. Saxon. ſub ann. 1013.) but as he never was crowned, he is not reckoned by our writers in the catalogue of our kings. The only Danes to whom they give that title are Canute, Harold Harefoot, and Hardicanute.

Ibid. *Having reigned*, &c. *about four and twenty years died* without iſſue, &c.

Some ancient authors have aſcribed Edward the Confeſſor's want of iſſue to a vow of virginity, which he had made before his marriage and adhered to in that ſtate, having perſuaded his wife to conſent to his

his keeping it, and to take one herſelf. But probably this was a fiction of the monks, who thought vows of that kind eſſential to *ſanctity*, and did not conſider that, in his caſe, ſo abſurd a proceeding would have been criminal, not only to his wife, but to his people, who, by his want of poſterity, were expoſed to all the miſchiefs of a doubtful ſucceſſion, and became in the end a prey to a foreign invader. He certainly did not live ſo kindly with his queen, as from her amiable character he ought to have done, but ſeems to have transferred to her his hatred of her father; and it is hard to reconcile *that* with the piety for which he is celebrated. The ſtrange idea of merit and holineſs, attached by ſome in that age to a vow of chaſtity, made, or obſerved, even in the conjugal ſtate, may poſſibly have ariſen among the Saxons in England from the anſwers ſent to their firſt teacher, Auguſtine, by Pope Gregory the Great, and communicated by him to his new church: for, in ſome of theſe, nuptial embraces are plainly conſidered as *pollutions*.

P. 3. *And even gave Edgar the title of Atheling, which belonged to the royal family, and ſeemed to mark him out as heir to the crown.*

Sir H. Spelman ſays, in his Gloſſary on the word Adelingus, or Atheling, *Saxonibus uſurpatur pro regiâ ſobole et regni ſucceſſore.* Which he proves from a paſſage in the laws aſcribed to Edward the Confeſſor: and though that collection is not genuine, yet as it is ancient, the words of the compilator are a very ſufficient proof, to ſhew in what ſenſe this title was underſtood by the Normans to have been given to Edgar. "Rex vero Edwardus, Edgarum filium "eorum ſecum retinuit et pro ſuo nutrivit: *et quia* "*cogitabat hæredem eum facere, nominavit Adeling*, "quem nos (putà Normanni) dicimus domicellum. "Sed

" Sed nos indiſcretè de pluribus dicimus, quia " Baronum filios vocamus domicellos; *Angli vero* " *nullum niſi natos regum.*" Yet Spelman obſerves, that all noblemen had anciently been called *Adelingi*; but from the above cited paſſage it appears, that in the times of Edward the Confeſſor, and for at leaſt a century afterwards, this word was appropriated to the royal family by the Engliſh.

Ibid. *Yet, notwithſtanding this appearance of an adoption, as he was ſtill under age when King Edward died, he was not thought capable of taking the government*, &c.

The reaſon aſſigned by Ailredus, an ancient hiſtorian of no ſmall authority, for Edgar Atheling's not being made king, is, *quia puer tanto honori minus idoneus videbatur.* (See Ailred. de Geneal. Reg. Ang. col. 366.) Ingulphus, a contemporary writer, ſays, he was *Regio ſolio minus idoneus, tam corde quam corpore*; which words ſeem to ſuppoſe a double incapacity, from the meanneſs of his parts, as well as the weakneſs of his age: and indeed, if he had been a youth of forward courage and underſtanding, it might have been an inducement to raiſe him to the throne before the uſual time. How old he was at the deceaſe of King Edward, I do not find exactly ſet down in any ancient author, nor at what age the minority of the Anglo-Saxon princes was underſtood to determine: but Edgar the ſon of Edmond having been but ſixteen years old when he came to the crown, and no hiſtorian ſpeaking of him as being then a minor, it may be conjectured, that ſixteen was the age aſſigned by the Saxons for the majority of their kings. And from ſome paſſages that occur in the hiſtory of thoſe times, we may infer pretty confidently, that Edgar Atheling was of an age approaching to manhood, though he had not yet at-

See Ingulph. p. 68. ſub ann. 1065.

See Malmſb. de Geſt Reg. Angl. l. ii. c. 8. J. Dunelm. ſub ann. 959.

attained to it, when King Edward died. Ordericus Vitalis, the beſt of the Norman writers, aſſigns the ſame cauſe for the duke of Normandy's enterprize, as Ailredus for Harold's election. "Anno ab in-
"carnatione Domini 1066, indictione v. Guil. dux
"Normannorum, deficiente ſtirpe regis Edgari
"*quæ idonea eſſet ad tenendum ſceptrum regale*, cum
"multis millibus armatorum ad Anglos transfre-
"tavit." See Ord. Vit. p. 598. l. 6.

P. 4. *The excluding of a minor from the ſucceſſion in England was not new to the Saxons.*

Sir John Spelman, who well underſtood the Saxon conſtitution, ſays, in his life of king Alfred, "Ut
"verum fatear, turbulentum reipublicæ tempus ſi
"ſpectes, Ælfredi *tenerior ætas* Æthelwolpho jam
"decedenti juſtè ſuggerere potuit ut omnem cogi-
"tationem regni in ipſum conferendi deponeret,
"*cum ea ſola cauſa ſæpenumero ſufficeret, ut pater*
"*fratris filium proprio, vel etiam nothum anteferret*
"*germano.*" Vit. Ælfred. Mag. l. i. p. 9.

P. 9. *But, on the death of his father in law, Alfred came over, and unhappily truſting his perſon to earl Godwin was delivered by him to Harold Harefoot, who put out his eyes; of which cruel treatment he died, much lamented by the Engliſh.*

In relating this ſtory, William of Malmſbury concludes with theſe words, *Hæc, quia fama ſerit, non omiſi: ſed quia chronica tacent, pro ſolido non aſſerui.* The chronicles he means are ſuppoſed to be the Saxon, in which no mention is made of this fact. But yet the credit of it does not depend on tradition alone. The *Encomium Emmæ*, a contemporary writing, and other manuſcripts of that age, which he probably had not ſeen, atteſt the fact.

V. Malmſb. de Geſt. Reg. Ang. l. ii. c. 12.

fact. But the circumſtances are reported with ſome variations.

P. 10. *He kept up a cloſe friendſhip with William duke of Normandy, and after the death of his nephew ſecretly promiſed to appoint him his ſucceſſor in the kingdom of England*, &c.

There is a great difference among our hiſtorians, both ancient and modern, about the time when Edward's promiſe, to appoint Duke William his ſucceſſor, was made to that prince. Some pretend that he gave it him ſo long before the end of his life, as when he was a youth at the court of Normandy. But it is very improbable that he ſhould then bequeath a crown, which he could not poſſibly foreſee he ſhould ever wear. Rapin Thoyras imagines, with much more probablity, that the promiſe was made at the time when the duke was in England: but yet that conjecture ſuits ill with what was afterwards done by Edward, *viz.* his ſending for his nephew in order to nominate him heir to his crown. And Ingulphus expreſly aſſerts, that when the duke was in England, he had no hope of the ſucceſſion, and that no mention was then made of it between him and the king. *De ſucceſſione autem regni ſpes adhuc, aut mentio, nulla facta inter eos fuit.* What William of Malmſbury ſays on this ſubject ſeems to be neareſt the truth, that the king had no thoughts of making the duke his ſucceſſor till after the deceaſe of his nephew, prince Edward. *Rex itaque defuncto cognato, quia ſpes prioris erat ſoluta ſuffragii, Willielmo comiti Normanniæ ſucceſſionem Angliæ dabat.* And Ingulphus ſeems to expreſs the ſame thing in theſe words under the year 1065. "Anno eodem rex Edwardus *ſenio gravatus* cernens "*Clitonis Edwardi nuper defuncti* filium Edgarum "regio ſolio minus idoneum tam corde quam "cor-

See Eadmer. Hiſt. Nov. l. i. p. 5. S. Dunelm. p. 195, 196. Diceto Abb. Chron. p. 481, See Ingulph. p. 65. ſub ann. 1051.

See Malmſb. f. 2. l. ii. de Geſt. R. A. See Ingulph. p 68. ſub ann. 1065.

"corpore, Godwinique comitis multam ma-
"lamque ſubolem quotidie ſuper terram creſ-
"cere, *ad cognatum ſuum Wilhelmum animum appli-*
"*cuit; et eum ſibi ſuccedere in regnum Angliæ voce*
"*ſtabili ſancivit.*" But then he muſt have been groſly miſtaken, in ſaying (as he afterwards does, with ſome other writers) that Edward ſent Robert archbiſhop of Canterbury his embaſſador to duke William, to inform him of his having deſigned him his ſucceſſor: for that prelate was baniſhed from England in the year 1052, five years before Prince Edward's death. Upon the whole, though I believe that the duke had ſome intimation of ſuch an intention or inclination of the king in his favor, yet the uncertainty *when*, or *by whom*, it was given, and the contradictory accounts we have of it, undeniably prove, that it could not have had the authority of the great council, but was a ſecret tranſaction. Indeed not one of our ancient hiſtorians is partial enough to the Norman government to pretend, that it was an act of the nation, as Ordericus Vitalis and William of Poictou affirm. Nor is it a credible thing that the great council of England, which in the year 1052 had ſhewn ſo much jealouſy and hatred of the Normans, as to paſs an act for baniſhing out of the kingdom all of that nation, ſhould, without any apparent reaſon for the change, ſo alter their temper, as to ſettle their crown on a Norman prince. And ſurely, if, contrary to their inclinations, Edward had conceived ſuch a purpoſe, Harold, whoſe intereſt it was to prevent it, would not have willingly gone upon an embaſſy, to acquaint the duke with it; for it would have been better for him, if he had not then any thoughts of the crown for himſelf, to have ſecured it for Edgar, whom he might well hope to govern, at leaſt for ſeveral years. William of Malmſbury only mentions the

See Chron. Saxon. p. 164. ſub ann. 1052. & p. 169. ſub ann. 1067.

ſtory

ſtory to reject it, giving the account I have followed, as grounded on the beſt information. Nor is there any thing improbable in that account. But further, in relating the anſwer which Harold returned to William, in juſtification of himſelf for the breach of his oath, the ſame author writes thus, "De regno addebat præſumptuoſum fuiſſe, quod "*abſque generali ſenatus et populi conventu, et edicto* "alienam illi hæreditatem juraverit. Proinde ſtul- "tum ſacramentum frangendum. Nam ſi jusju- "randum, vel votum, quod puella in domo patris, "neſciis parentibus, de ſuo corpore volens fecerit, "judicatur irritum; quanto magis quod ille ſub "regis virgâ conſtitutus, *neſciente omni Angliâ*, de "toto regno, neceſſitate temporis coactus impege- "rit, judicatur non eſſe ratum!" Theſe words give us at leaſt the opinion of the writer, that the great council had never agreed to any ſettlement of the crown on the duke. One argument for Harold's having been ſent by Edward to notify this deſignation to the duke is drawn from the tapeſtry at Bayeux, which Montfaucon has given a print of, with comments upon it. But the inſcription over that part of it, which repreſents Harold taking leave of the king, is only REX—R. D. which gives no account of the commiſſion or buſineſs on which he was going; nor is there any other more expreſs concerning that point. Montfaucon, from the *common opinion*, or *tradition* of the place, ſuppoſes the tapeſtry to have been made by the order of Matilda, the wife of William the Conqueror, and therefore to be an authentic evidence of the truth of the facts therein repreſented. But from ſeveral reaſons I ſhould judge, that it was rather made by the order of the empreſs Matilda, his grand-daughter, who reſided long in Normandy; and that the makers of it were not accurate with regard to the

See Malmſb. de Geſt. R. A. l. ii. f. 52. & de W. I. l. iii. f. 56.

facts. For the tapeſtry and the inſcriptions upon it ſuppoſe, that in the war William ſuſtained, while Harold was with him, againſt Conan duke of Bretagne, he, or one of his generals, beſieged Dinant; and that Conan delivered to him, or to that general, the keys of the town. But this ſiege is mentioned by no contemporary author, and contradicts the account given of that war by William of Poictou, archdeacon of Liſieux, and chaplain to William. He particularly deſcribes the beginning of the war by the expedition of his maſter to the relief of Dole beſieged by Conan; his obliging Conan to raiſe the ſiege, and then retiring out of Bretagne, becauſe he would not purſue Conan, to the peril of his own army, through unknown countries, where they could find no ſubſiſtence, but returning thither again, upon hearing that Conan and Geoffry Martel were joined. He ſays the duke ſtaid there to give battle to them both, but *certamen nequicquam fuit expectatum, adverſario magis in ulteriora profugiente.* Then he concludes with theſe words, *Receptus in ſua percarum hoſpitem Haraldum apud ſe poſt moratum aliquandiu donis onuſtum omiſit.* It is therefore plain (if we may believe this hiſtorian, who is called by Montfaucon himſelf *the moſt accurate of all who wrote the hiſtory of William the Baſtard*) that neither before nor after the raiſing of the ſiege of Dole was any ſiege made in Bretagne by William, while Harold remained with him, or by any part of his army. Nor can it eaſily be conceived, that the taking of a town ſo conſiderable as Dinant, defended by the duke of Bretagne in perſon, ſhould be paſt over in ſilence, either by this author, or any other who wrote the hiſtory of that war.

Vid. Pictav. Geſt. Gul. Duc. Norm. ap. Ducheſne, p. 191, 192.

Upon the whole, I apprehend that this boaſted monument was rather formed upon vulgar tradition than hiſtory, and deſerves no credit againſt the teſtimony

timony of a good contemporary writer. Tapeſtry-makers are bad hiſtorians: and it is a common fault in antiquaries to lay more ſtreſs upon any diſcovery of this kind than is really due to it; as Montfaucon ſeems to have done in the preſent inſtance.

William of Poictou pretends, that the brother and nephew of Harold had been delivered to the duke by King Edward as hoſtages, to ſecure to him the ſucceſſion of England: but it appears from Eadmer, that having been given by earl Godwin to Edward, as hoſtages for his fidelity, after the quarrel between him and that king, they were ſent over to Normandy, as to a place of ſafe cuſtody, and only committed to the keeping of William, as Edward's friend and ally. After the duke had concluded his bargain with Harold, he gave him back his nephew; but kept Wulnoth his brother, as a pledge for the performance of their agreement. But this ſurely is no proof that Edward had ſent them with any ſuch deſign, nor even that Harold went to fetch them. It is indeed very improbable, that he ſhould venture to put himſelf into the power of the duke on ſuch an errand. It would have been much ſafer and more prudent to have negociated their redemption by another perſon.

See G Fictav. P. 191.

See Eadmer. Hiſt. Nov. P 4.

P. 11. *And his will itſelf, had it been made in favor of William, without the ratification of the great council, would not have been obligatory to the people of England.*

As this has been controverted, it may be neceſſary to give the reader ſome proof of it, which I ſhall do by one evidence, out of many that might be alledged.

In the preamble to King Alfred's will preſerved in Aſſer, at the end of his book De geſtis Alfredi, that monarch ſtyles himſelf thus, *Ego Ælfredus, totius*

totius Weſt-Saxoniæ nobilitatis conſenſu pariter et aſſenſu, rex. And yet, in the ſame public act, he declares, that he *inherited* the kingdom after his two brothers Æthelbald and Æthelred, *by the will of his father.* "De hæreditate, quam pater meus Æthelwulphus rex nobis tribus fratribus *delegavit*, *viz.* "Æthelbaldo, Æthelredo, et mihi, ita quod, qui "noſtrum diutius foret ſuperſtes, ille totius regni "dominio congauderet." (See Aſſer de Geſt. Ælf. p. 4.) To reconcile theſe expreſſions, we muſt ſuppoſe that the will of his father would not have made him king without the *aſſent and conſent of the Saxon nobles.* It will be ſhewn hereafter that the word *nobilitatis*, is to be taken in a large ſenſe. Aſſer calls King Æthelwulf's will *hæriditariam vel commendatoriam epiſtolam*, a *teſtamentary*, or *recommendatory letter*, which expreſſion implies that the deſignation there made had no force without the authority of the great council, and was conſidered as a mere *recommendation*, till it had a ſanction from them, But the words of Alfred himſelf in his will are of much more weight than the expreſſions of any hiſtorian.

P. 12. *Though, to induce him the more to it, William promiſed to give him one of his daughters in marriage.*

De Will. I. l. iii. f. 56. William of Malmſbury ſuppoſes this lady to have died before her father invaded England; but Ordericus Vitalis ſays ſhe lived till the year 1081, and that her father had betrothed her to the king of Gallicia juſt before her death. He adds, that ſhe had loved Harold, but was ſo averſe to the other marriage, as to wiſh rather to die than to complete it. The name he gives her is Agatha; but others call her Adelize. William of Jumieges ſays, that Harold, after the death of Gryffyth king of Wales, married

Vid. Order. Vit. l. v. p. 573. Ducheſne.

Vid. Gem. l. vii. c. 31. p. 285.

married Aldyth, the beautiful wife of that prince, and daughter of the illuſtrious earl Algar. *Griffithridi quoque regis Walliarum, poſtquam hoſtilis eum gladius percuſſit, pulchram conjugem Aldyth, præclari Comitis Algari filiam, ſibi uxorem junxit.* Other writers of that age, and later hiſtorians on their authority, make alſo mention of this match; but they call the lady Ælgiva, or Æditha. Yet there is a paſſage in Ingulphus, a contemporary author, which contradicts it, and ſeems to deny the exiſtence of this daughter of Earl Algar. His words are theſe, under the year 1059, *Strenuiſſimus etiam Comes Algarus noſtri monaſterii ſemper amantiſſimus*, &c. *obiit, et Coventriæ juxta patrem poſitus requieſcit humatus, relictis liberis, duobus filiis, ſcilicet Edwino et Morcario, poſtea Comitibus, et unica filia, quæ nunc ſupereſt, Comitiſſa Lucia.* Vid. Hiſt. Ingulphi in Gale's Edition of Rer. Angl. Script. Vit. tom. i. p. 66.

It is plain, that *the Counteſs Lucia*, whom this author affirms to be *the only daughter left by Algar*, could not be Aldith, or Editha, or Ælgiva, who was married firſt to a king of Wales, and then to Harold, and whom other authors therefore call *Reginam Ælgivam.* We know that ſhe was the wife of Ranulph de Meſchines Earl of Cheſter. Nor is it conceivable, that, if Algar had really had another daughter ſo illuſtriouſly married, Ingulphus ſhould have been ignorant of it at the time when he wrote, viz. under William the Firſt, and William Rufus? He ſays himſelf, that Earl Algar was a particular friend to their monaſtery, which muſt have made him more knowing in what related to that lord: but this fact muſt have been notorious to the whole nation. It is alſo remarkable, that the Saxon chronicle takes no notice of this lady, *the queen of a Saxon king*; nor is ſhe mentioned in the Welſh chronicle as wife to king Gryffyth. William of Malmſbury ſeems likewiſe to have been ignorant

See Dug. Baron. p. 36. 37. Earl of Cheſter.

of her exiſtence. All this makes me ſo doubtful about the truth of this match, that I have not mentioned her in my account of Harold: but leave the reader to judge, upon the evidence ſtated here, whether ſhe ought to be added to the catalogue of our queens.

P. 12. *It is therefore moſt evident, that the attempt of the duke of Normandy was an unjuſt violation of the rights of the Engliſh, and that thoſe writers who have aſſerted that his title was good, or better than Harold's, did not very accurately conſider the queſtion*, &c.

The Saxon chronicle, of which that part which relates theſe occurrences, was writen in the reign of William the Firſt, ſays in the plaineſt terms, *that Harold was nominated by Edward the Confeſſor, and elected by all.* "Tunc Haroldus comes capeſſit "regnum, *ſicut rex ei conceſſerat, omneſque ad id* "*eum eligebant.*" Florence of Worceſter, another contemporary hiſtorian, and Simeon of Durham, who wrote under Henry the Firſt, affirm the ſame thing. The words of the former are theſe: "Quo "tumulato, ſubregulus Haraldus, Godwini ducis "filius, *quem rex ante ſuam deceſſionem regni ſucceſ-* "*ſorem elegerat, à totius Angliæ primatibus ad re-* "*gale culmen electus*, &c." which are tranſcribed by Simeon of Durham, only inſtead of *primatibus* he uſes *principibus*, a ſynonymous word. Hoveden and Diceto, who both wrote their hiſtories in the next age, follow exactly Florence of Worceſter. Eadmer, another contemporary author, writes of it thus, "In brevi poſt hæc obit Edwardus. *Juxta quod* "*ille ante mortem ſtatuerat in regnum ei ſucceſſit Ha-* "*raldus.*" William of Malmſbury, though ſtrongly inclined to favor the Norman cauſe (as might be expected in one who dedicated his work to a grandſon

See Chron. Sax. p. 172. ſubann. 1066. & p. 189. ſub ann. 1086. Flor. Wigorn. J. Dunelm. Diceto abbrev. Chron. Hoveden ſub ann. 1065, 1066. Eadm. Hiſt. nov. p. 4. l. 1.

ſon of William the Firſt) could not help owning, that, openly at leaſt, all the Engliſh then declared in favor of Harold. "Quare, ut prædixi, Angli "diverſis votis ferebantur, quamvis *palam cuncti* "*bona Haroldo imprecarentur.*" He ſays indeed in another place, "Recenti adhuc regalis funeris luctu "Haroldus, ipſo Theophaniæ die, *extortâ à princi-* "*pibus fide, arripuit diadema.*" But, ifany regard is to be had to this paſſage, it only proves that Harold was too haſty in preſſing on his coronation the very day that king Edward was buried, which was an objection in *form* rather than *ſubſtance:* for no hiſtorian pretends that any force was uſed by him; and the words beforementioned of this writer himſelf acknowledge, that the public acts and profeſſions were all on his ſide. Nay, he makes him ſay, in the anſwer he ſent to the duke, that it was an unjuſt demand, "ut imperio decedat *quod tanto favore* "*civium regendum ſuſceperit.*" In truth it is plain from the whole account he gives, though he was obliged to throw out ſome expreſſions unfavorable to Harold, that he knew his election was valid. It muſt be obſerved, that the great council was aſſembled when Edward died. Florence of Worceſter takes particular notice of it, in the following words: Poſt hæc rex Edwardus paulatim ægrotare cœpit. In nativitate vero Domini *curiam ſuam*, ut potuit, *Londoniæ tenuit*, &c. which Simeon of Durham and other writers contemporary with him, confirm. And as that monarch then conſecrated Weſtminſter Abbey built by himſelf, a ceremony which the genius of the times and of the man made very important, we may be ſure that the attendance upon ſuch an occaſion muſt have been greater than uſual. Ailredus, abbot of Rivaux, ſpeaks of it thus, "Ap- "propinquabat dies feſtus cæteris lætior in quo "*Anglorum tota nobilitas ad regis curiam debuit con-* *venire,*

See Malmſb. l. iii. f. 56. de W. I. & l. ii. 52. de Geſt. Reg. Ang.

See Flor. Wigorn. & J. Dunelm. ſub ann. 1065. Malmſb. de G. R. A. f. 52. l. ii. Sax. Chron. ſub ann. 1066. Ailredus Abb. Riv. de Vit. & Mira. Ed. Confeſſoris, p. 398, 399. Spelman's Concil. v. i. ſubann. 1066.

J. Monaſticon Angl. See Pictav. G. G. D. p. 200.

" *venire*, et regi more ſuo ſceptris ſimul et corona " decorando aſſiſtere. Cogitans ergo quemadmo- " dum poſſit ipſa conſecratio ſolempnius exhiberi, " decrevit feſtivitate peractâ regali die ſanctorum " Innocentium *celebratatem iſtam compleri.*" (And " afterwards) " Illuceſcebat igitur ſanctorum In- " nocentium jucunda feſtivitas, et *convenientibus in* " *unum epiſcopis, cunctiſque regni proceribus*, ſacra de- " dicationis ſolempnitas inchoatur." Harold's election might therefore be made in the great council, immediately after Edward was buried; and, as no oppoſition was given to it, would not take up much time; eſpecially if it was made in confirmation of Edward's appointment, as, except William of Malmſbury, all the hiſtorians beforementioned affirm. And it is very remarkable that their teſtimony is confirmed even by William of Poictou, chaplain to the duke, and the moſt partial to him of all the Norman writers. In relating the meſſage, which Harold ſent to that prince after his landing, he makes the meſſenger ſay, " Hæc tibi mandat " rex Haraldus. Terram ejus ingreſſus es, quâ " fiduciâ, quâ temeritate, neſcit. Meminit quidem " quod rex Edwardus te Anglici regni hæredem " fore pridem decreverit, et quod ipſe in Norman- " niâ de hac ſucceſſione ſecuritatem tibi firmaverit. " Novit autem *jure ſuum eſſe regnum idem, ejuſdem* " *regis domini ſui dono in extremis illi conceſſum.* Et- " enim ab eo tempore, quo beatus Auguſtinus in " hanc venit regionem, communem gentis hujuſce " fuiſſe conſuetudinem, *donationem, quam in ulti-* " *mo fine ſuo quis fecerit, eam ratam haberi.*" And the anſwer which the ſame hiſtorian relates, as made by the duke, does not contain any denial of the fact here alledged, but only inſiſts upon the former promiſe of Edward and Harold's oath. Ordericus Vitalis, who, though born in *England*, was bred up in

See Ord. Vit. p. 492. l. iii. ſubann. 1065.

in *Normandy*, and is reckoned among the Norman hiſtorians, agrees in the nomination of Harold by Edward, but ſays it was obtained *by a fraud*. Nam "regem Edwardum, qui morbo ingraveſcente jam "morti proximus erat, circumvenit, eique transfre- "tationis ſuæ, et perfectionis in Normanniam, ac "legationis ſeriem retulit. Deinde *fraudulentis aſ-* "*ſertionibus adjecit, quod Wilhelmus Normanniæ ſibi* "*filium ſuum in conjugium dederit, et totius Anglici* "*regni jus, utpote genero ſuo, conceſſerit.* Quod au- "diens ægrotus princeps miratus eſt; tamen credi- "dit, et conceſſit *quod vafer tyrannus commentatus* "*eſt.*" I lay much more ſtreſs upon this author's avowal of Harold's *nomination by Edward on his death bed*, than upon the cauſe he aſſigns for it, in which he is ſupported by no other hiſtorian. The only objection of any weight to what is affirmed ſo expreſly, concerning this matter, by ſo many good authors, is that which William of Malmſbury makes in his ſecond book De Geſtis R. Ang. *viz.* the improbability that Edward ſhould bequeath his crown to a man, of whoſe power he had always been jealous. But to this it may be replied, without having recourſe to any ſuch artifice as is ſuppoſed by Ordericus Vitalis, that Edward, a man of eaſy and flexible diſpoſitions, might, upon finding the temper of the nation ſtrongly oppoſe his inclinations for William, give way to theirs in favor of Harold, from a laudable regard to the peace of his country. However I have choſen, in my account of this matter, to affirm nothing poſitively, as to the nomination of Harold by Edward, becauſe, even leaving this doubtful, his election cannot be diſputed. The nation might chuſe him, though their king did not; and that he was choſen by *them* is ſufficiently proved, both by the teſtimony of the beſt contemporary authors, and by all the ſubſequent facts

from his coronation to his death. During the whole of that time, there was no appearance of any party ſubſiſting in England, either in favor of Edgar, or of William. Not any one Engliſhman was confined on ſuſpicion of treaſon, either when Toſti was hovering upon the coaſts, or when the Norwegians, or the Normans, were landed: An undeniable evidence of Harold's belief, that the crown had been given him with the conſent of the nation; for an uſurper is always ſuſpicious and apprehenſive on ſuch occaſions. Nor was his confidence ill-grounded; for none of his ſubjects revolted againſt him; not even thoſe who were of Daniſh extraction.

P. 19. *Thus he made up an army of fifty thouſand horſe, and ten thouſand foot, all choſen men*, &c.

William of Poictou, ſpeaking of the duke of Normandy's army, while it was encamped on the Norman coaſt, ſays, "Convenit etiam externus "miles in auxilium copioſus, quos ex parte notiſ- "ſima ducis liberalitas, verum omnes juſtæ cauſæ "fiducia contraxit. Rapinâ omni interdictâ, ſti- "pendio ipſius *millia militum quinquaginta* aleban- "tur, dum ventorum incommoditas ad portum "Divæ detinebat mora menſtrua." (Vid. Geſt. Gul. Duc. p. 197.) And afterwards he tells us, that the duke ſent a meſſage to Harold, in which he reckoned his army at *ſixty thouſand men*. "Dux "contrà nuntio: Pro mandato, inquit, quo mihi "dominus tuus vult eſſe cautum, quanquam ſine "contumelia ſuadere docuerit, gratias ipſi et hæc "refer. Non me tutarer valli aut mœnium late- "bris, ſed confligerem quamprimum cum Haraldo, "nec diffiderem fortitudine meorum cum ſuis eum "contritum iri, voluntate divina non reſiſtente, ta- "metſi decem ſola millia virorum haberem quales
Ibid. p. 199. "*ad ſexaginta millia adduxi.*" The *quinquaginta millia*

millia militum mentioned before, were therefore all horſe; and the additional *ten thouſand* here mentioned were foot. *Miles* indeed, in the writings of that age, always ſignified *a horſeman.* And this is further explained by Ordericus Vitalis (Eccleſiaſt. Hiſt. l. iii. p. 500.) Speaking of the fleet ſetting ſail for England, he ſays, that there went in it *quinquaginta millia militum, cum copia peditum*, per horrendum pelagus, ad expugnandam in propria ſede incognitam gentem, &c. The copia *peditum* mentioned here, in addition to, and diſtinct from, the *quinquaginta millia militum*, demonſtrates that *milites* ſignified *horſe*, both in this place and the other cited above. The teſtimony of William of Poictou, with regard to the number of men, is of great weight, becauſe he was himſelf with the army, and ſerved the duke of Normandy as his chaplain in this expedition. And Ordericus Vitalis, though ſomewhat a later writer, adds more authority to the account given by him, as he appears to have informed himſelf of all the Norman affairs with particular care, and to have been a perſon of no mean underſtanding.

P. 23. *After ſome months, he returned, to invade his country once more, not with the duke of Normandy, but with another foreign prince, whom he accidentally met at ſea, as ſome of the contemporary authors relate, or had ſollicited to this enterprize, as others affirm.*

Ordericus Vitalis tells us (p. 469. l. iii.) that Toſti propoſed to the king of Norway, that he ſhould take for himſelf one half of England, and let him hold the other half under fealty and homage. " Unde a vobis, quos viribus et armis, " omnique probitate præcipuè vigere cognoſco, vi- " riliter adjuravi, utpote *homo veſter*, expoſco. Proterviam

" terviam perfidi fratis bello proterite, *medietatem* " *Angliæ vobis retinete, aliamque mihi, qui vobis inde* " *fideliter ſerviam, remittite.* His auditis, avidus " rex valde gaviſus eſt. Deinde juſſit exercitum " aggregari, *&c.*" William of Iumieges, another of the Norman hiſtorians, mentions Toſti's going to the king of Norway, and aſking his aſſiſtance: " At ille (Toſticus) non valens ſalubriter Angliam " introire, neque Normanniam, quia ventus ob- " ſtabat, redire, Heraldum Harfagam, North- " wegæ regem adiit, ipſumque ſupplex ut ſe juva- " ret rogitavit. Ipſe vero precanti Toſtico liben- " ter adquievit" (Gem. p. 285. c. 32.) By the expreſſion of both theſe authors it is evident, that neither of them underſtood, that the king of Norway and the duke of Normandy acted in any concert, the one with the other, or that Toſti made propoſals, or carried any meſſage from the duke to the king, as ſome modern writers have ſuppoſed. Our own contemporary hiſtorians ſay, that he met that king accidentally at ſea in his paſſage to England.

Ibid. *From the time that his brother had been driven out of the Humber, his fleet and army had been conſtantly ſtationed, to guard that part of the iſland which is neareſt to Normandy, from whence alone he had any apprehenſions of a deſcent.*

This is expreſly affirmed by Ordericus Vitalis: " Porro Anglicus Heraldus, ut Northvigenas in " Angliam adveniſſe audivit, Haſtingas et Penve- " ſellum alioſque portus maris Neuſtriæ oppoſitos, " quos toto illo anno cum multis navibus et militi- " bus callidè ſervaverat, reliquit, *&c.* And this account is much more probable than what Florence of Worceſter and ſome others relate, that, after expecting the Normans till about the nativity of the Bleſſed

Bleſſed Virgin, Harold had diſcharged both his army and his fleet. It can hardly be conceived, that he ſhould be ſo careleſs and ſo falſly ſecure, while the duke of Normandy lay prepared to invade him, and only waiting for a wind. Beſides, if his fleet had been laid up at that time, and his army diſbanded, it would not have been poſſible for him to have reaſſembled them ſo ſoon, as we find he did, againſt the Norwegians. That he had both in great readineſs, is very apparent; for, as ſoon as ever he heard of the Norwegians being landed, he marched to oppoſe them with a great army, and deſtroyed their fleet, as well as their army, allowing but twenty of their ſhips to return, which he could not have done without the help of his own. But, while his forces were thus taken up in the north, the Normans landed on the coaſt of Suſſex without oppoſition; providence ſo diſpoſing events, that the Norwegian invaſion facilitated their's; as Ordericus Vitalis well obſerves. "Interea dum Angli bello Eboracenſi "occupati erant, *et cuſtodiam maris* (ut diximus) "*nutu Dei reliquerant*, claſſis Normannorum, quæ "ſpatio unius menſis, in oſtio Devæ, viciniſque "portubus, notum præſtolata eſt Zephyri flatu in "ſtationem Sancti Galerici delata eſt, *&c.* Nor-"mannicus itaque exercitus 111 kal. Octobr. mare "transfretavit, nocte qua memoriam Sancti Mi-"chaelis Archangeli catholica eccleſia feſtivè pera-"git, et, nemine reſiſtente, littus maris gaudens "arripuit." Ord. Vital. p. 500. l. iii.

P. 24, and 25. *One of their ſoldiers is ſaid to have maintained for ſome time a narrow paſs on the bridge, with a valour equal to that of Horatius Cocles, till he was ſlain by a javelin, thrown at a diſtance from the hand of one of Harold's domeſtick attendants.*

This

This is the account given by William of Malmſbury, who adds, that the Engliſh, admiring his extraordinary valour, entreated him to yield himſelf and experience their clemency, which he refuſed with great diſdain, and was then killed in the manner above-related. But H. of Huntington ſays, that one going in a boat under the bridge killed him with a javelin, through a chink, or hole in the bridge, after he had ſlain above forty of the Engliſh with a battle-axe, and ſtopped the whole army from break of day till the 9th hour. William of Malmſbury is more moderate in the account of the numbers ſlain by him, and his relation of the manner of his death ſeems the more probable.

P. 25. *But the wind at laſt turning fair, he ſailed from St. Valery, at the mouth of the Somme, on the eve of St. Michael, in the year one thouſand and ſixty ſix, and landed the next day at Pevenſey in Suſſex, without any reſiſtance.*

Malmſb. l. iii. de Will. I. f. 56. c. 10. William of Malmſbury ſays, that the duke's army beginning to ſhew a ſuperſtitious diſcouragement at the wind's remaining ſo long contrary, as thinking it an indication that Heaven was averſe to their enterprize, he was adviſed by ſome of his officers, to bring out the body of the tutelary ſaint of that town; ſoon after which there ſprung up a very fair gale, which carried them over. In all probability, ſome of his pilots foreſaw a change in the weather, and he wiſely availed himſelf of the body of the ſaint, to make it appear to the army a miracle in his favor, which entirely removed the former impreſſion. It is ſaid too, that, on his landing his foot Malmſb. ibid. ſlipt, and he fell to the ground; which might have been thought an ill omen, if it had not been turned into a good one, with extraordinary preſence of mind, by one of his men at arms, who ſtanding

next to him, cried out, "*Sir, you are now taking poſſeſſion of England, of which you will ſhortly be king. Tenes*, inquit, *Angliam, comes, rex futurus.*" But what renders this ſtory a little ſuſpicious, is the exact conformity of the words to thoſe of Julius Cæſar, when he ſtumbled and fell, at his landing in Africk, *Teneo te, Africa.* And the ſilence of William of Poictou makes the truth of it ſtill more doubtful.

P. 27. *Though, at his landing, he found no forces to oppoſe him, he would not advance any further; but employed fifteen days, which was the greateſt part of the time before Harold came up, in raiſing forts at Pevenſey and Haſtings, to cover his ſhips, and to ſecure a poſſibility of retiring out of England, if he ſhould be defeated.*

This, which is grounded on the unqueſtionable teſtimony of William of Poictou, who was with the duke at his landing, and ſupported by the authority of Gemiticenſis and Ordericus Vitalis, entirely diſproves the romantic tale of his having burnt his own fleet, which, in his circumſtances, would have been rather an act of madneſs than heroiſm.

See Pictav. G.Gul. Duc. p. 199. Gemitic.l.vii. c. 34. Ord. Vitalis, l. iii. p. 500.

P. 28. *As he marched towards Haſtings, he was met by a monk, who came to propoſe to him, on the part of the duke, to determine their cauſe, either by the judgment of Rome, or by duel in ſight of both armies*, &c.

In my account of this embaſſy, I have principally followed William of Poictou, who, having been preſent in the camp of the duke, and one of his own houſhold, was therefore moſt likely to have been truly informed; and, as he is ſilent about it, I pay no regard to what William of Malmſbury relates, of the duke's propoſing to Harold, *that he ſhould*

See Malmſb. f. 56. l. iii. de G. I.

ſhould hold the crown of England in fief under him. But there is one circumſtance, in which I prefer the account the latter has given, as much more probable than that which we find in William of Poictou, viz. with regard to the offer of deciding their cauſe by the judgment of Rome, which William of Malmſbury ſays, the duke made to Harold; whereas the words of William of Poictou ſeem to refer the deciſion of it in a judicial manner, either to the Normans, or Engliſh, or both. (See Pictav. p. 200. G. G. D.) The Normans could never be admitted as judges; nor had their cuſtoms, or laws, any weight in this queſtion: and as for the Engliſh, to whom the determination of it truly belonged, it is very improbable that William ſhould make them his umpires. No judicature nor arbitration could anſwer his purpoſe, except that of Rome, which ſeemed unprejudiced and impartial in the eyes of the world; but which, he knew, had already, without hearing the other party, prejudged the cauſe in his favor.

P. 29 and 30. *Formed his whole army into one deep phalanx of heavy-armed foot.*

V. Geſt. Gul. Duc. p. 202. That this was not a hollow ſquare, but a denſe and cloſe body, appears from the words of William of Poictou, *Leviter ſauciatos non permittit evadere, ſed comprimendo necat ſociorum denſitas:* They ſtood ſo thick, that the wounded could not retire out of the action, but were killed by the preſs of their fellow-ſoldiers.

P. 34. *Thus ended the memorable battle of Haſtings,* &c.

In the particulars of this battle, as well as in all the preceding tranſactions from the time that the duke of Normandy landed in England, I have been guided

guided chiefly by William of Poictou, archdeacon of Liſieux in Normandy, who was either an eye-witneſs of them, or had opportunities of being very exactly informed. But there is one point in which I differ from him, viz. as to the number of the Engliſh; which, againſt the unanimous teſtimony of all the other contemporary writers, he makes very great, from a deſire of doing more honor to his maſter: a partiality cenſured by William of Malmſbury, the moſt judicious by far of our ancient hiſtorians. His words are theſe: "Nec hæc "dicens virtuti Normannorum derogo, quibus tum "pro genere, tum pro beneficiis fidem habeo. Sed "mihi videntur errare, qui Anglorum numerum "accumulant, & fortitudinem extenuant. Ita "Normannos dum laudare intendunt, infamiâ re-"ſpergunt. Inſignis enim planè laus gentis invic-"tiſſimæ, ut illos vicerit quos multitudo impeditos, "ignavia facerit timidos! Immo vero *pauci* et ma-"nu promptiſſimi fuere, qui charitati corporum re-"nuntiantes pro patriâ animas poſuerunt." See Malmſb. f. 63. ſect. 10, de W. I.

Some circumſtances, not mentioned by William of Poictou, are added by later, though ancient, writers. They tell us, that, when the armies were ready to engage, a man named *Taillefer*, advancing before the reſt of the Normans, killed an Engliſh enſign, and then another, and attacking a third, ſlew him alſo, but was ſlain himſelf in the combat. This ſtory is not improbable; but had it been true, it would not, I think, have been omitted by William of Poictou, who was in the duke's camp, and has given us ſo full a detail of the action. Florence of Worceſter, who alſo lived at that time, takes no notice of this warrior in deſcribing the battle; nor is he mentioned by William of Malmſbury, Simeon of Durham, or Roger de Hoveden. Ordericus Vitalis, though more particular, in the accounts of V. H. Hunt. Brompton.

any brave actions done by the Normans, than all the other hiſtorians who wrote in that age, is ſilent on this, which deſerved to be celebrated by every writer. I therefore ſuſpect the truth of it; nor do I afford much more credit to the account given in ſome writers of the twenty Norman knights, who bound themſelves by an oath to take the Engliſh ſtandard; becauſe this too is a circumſtance, which, had it been true, William of Poictou, and Ordericus Vitalis, in all probability, would not have omitted.

William of Malmſbury tells us, that the Normans began the battle with ſinging the ſong of Roland, that the example of that brave warrior might animate them to fight. Wace, who, in the latter years of Henry the Second, wrote an hiſtorical poem in Norman French, explains this ſong to have been one, which celebrated the valour of the Paladin Roland, and other Peers of Charlemagne, who fell at Roncevault. It muſt therefore have been ſung by ſome of the French in the duke's army; not by the Normans, who had no connexion with thoſe worthies. But William of Poictou, inſtead of a ſong, ſpeaks of a very loud ſhout, which was raiſed by both armies: "*Altiſſimus clamor*, hinc *Normannicus*, illinc *barbaricus*, armorum ſonitu et gemitu morientium ſuperatur." It is remarkable that in this paſſage the Norman writer calls the Engliſh *barbarians*.

V. Geſt. Gul. Duc. p. 202.

William of Malmſbury relates an act of the duke, which is not taken notice of by the abovementioned author; viz. that he noted with infamy and caſhiered one of his knights, or men at arms, for having given Harold a wound in his thigh with a ſword, after he was ſlain by the arrow which pierced his brain. This was very agreeable to the duke's magnanimity: but other authors ſay, that Harold was mangled and disfigured with ſeveral wounds, inſomuch that by his

f. 57. ſect. 40. de Will. I.

his face he could not have been known; and all theſe wounds muſt have been given him after he fell. It may be worth remarking here, that Shakeſpear has applied what William of Malmſbury tells of this knight to Sir John Falſtaff and Lord Piercy. The ſame hiſtorian ſays, that William gave the body of Harold to his mother without taking any ranſom, though ſhe had ſent to offer him a great one, and that ſhe buried it in the church of Waltham abbey, which he had founded. This was a noble generoſity in that prince. He alſo permitted all the bodies of the Engliſh killed in the battle to be buried by their friends. See Pictav. p. 204.

P. 35. *How many of his navy were ſhips of war, we are not well informed*, &c.

An antient manuſcript in the Bodleian library, which has been printed at the end of Taylor's Gavelkind, and of which the reader will ſee a tranſcript taken from the original, in the Appendix to this Volume, reckons up *a thouſand ſhips*, which were furniſhed to the duke of *Normandy*, by his own vaſſals there, whoſe names he has given, for his enterprize againſt England. One of theſe, which was built at the charge of Matilda, his wife, had in its prow the figure of a boy all carved in gold, pointing at England with his right hand, and with his left holding to his mouth an ivory horn. In this, the manuſcript ſays, the duke ſailed to England. It alſo mentions in general, that he was ſupplied with *many more ſhips* by other vaſſals, who are not named therein, each of them giving in proportion to his means, and to the utmoſt of his power, but it does not ſay, that all theſe were *ſhips of war*. Wace, whoſe work has been mentioned in the preceding note, tells us, he had heard his father ſay, that, when the duke's fleet ſet ſail from St. Valery, it conſiſted of *ſeven hundred ſhips wanting four*. He V. Cotton. Libr. Royal. 4. c. xi. f. 17. d.

mentions ſmall veſſels and tranſports; but whether theſe were included in the number abovementioned does not well appear. Nor can this *hearſay tradition* be taken for *hiſtory*. The ſame author adds, that he had found *in a written account* that the duke had *three thouſand ſhips which carried ſails* in this expedition, and ſays, *one may well ſuppoſe that aboard of ſo great a navy, there muſt have been a great number of men.* This agrees with the number of ſhips that is mentioned in William of Iumieges, a contemporary hiſtorian: His words are theſe, "Claſſem *ad* "*tria millia navium*, feſtinanter et bene conſtrui "juſſit, et in Pontivo apud ſanctum Valericum in "anchoris congrue ſtare fecit; ingentem quoque "exercitum ex Normannis & Frandrenſibus, ac "Francis et Britonibus aggregavit, *atque preparatam* "*claſſem tam valentibus equis, quam robuſtiſſimis homi-*"*nibus cum loricis et galeis replevit.*" William of Poictou, who came over with the duke, does not give the number of the ſhips; but compares his fleet to that of Xerxes, and declares it exceeded that of the Greeks in their war againſt Troy. "Memorat an-"tiqua Græcia Atridem Agamemnoni fraternos "thalamos ultum iviſſe *mille navibus*; proteſtamur "nos Gulielmum diadema regium requiſiſſe *pluri-*"*bus.*"

Gemitic. Ann. Monac. l. xli. c. 34.

P. 37. *Very ſoon after his victory over Harold he beſieged Dover caſtle*, &c.

Before he went to this ſiege he left a ſtrong garriſon under a governor of great valour at Haſtings, and then took a ſevere revenge on the citizens of Romney, who had attacked and killed, with great ſlaughter on both ſides, ſome of his forces, who, by a miſtake in their courſe, had put in there, inſtead of landing between Pevenſey and Haſtings, with the reſt of the army. Dover caſtle was yielded to him by compoſition; but while the garriſon were treat-

V. Pictav. p. 204.

treating with him, ſome of the eſquires of his army (*armigeri exercitus*) out of an eagerneſs for pillage, threw fire into the town, which almoſt entirely conſumed it: whereupon the duke paid the full value of the houſes and goods to the owners; and (as William of Poictou ſays) would have ſeverely puniſhed the offenders, if the great number and the meanneſs of them had not concealed them. I would obſerve that men of quality, who had not yet been knighted, were called *armigeri*, but theſe muſt have been of a lower order, the menial ſervants to the knights in the Norman army. There was good policy in both theſe acts of William: the firſt being neceſſary to ſtrike a terror, and ſecure any of his people, who might happen to ſtray from the body of the army: the other to give an opinion of his honor and ſtrict regard to capitulations made with him by the Engliſh, even though not fully perfected; which would encourage others to truſt to him, and ſurrender their places or perſons in the ſame manner.

P. 39. *William received Edgar Atheling with the faireſt appearances of regard and affection*, &c.

Some authors ſay, that he confirmed him in the earldom of Oxford, given to him by Edward the Confeſſor.

P. 40. *Before he aſcended the throne he made a compact with his new ſubjects, by his coronation oath, the ſame with that of the Saxon kings.*

The contents of this oath, as we find them delivered in Florence of Worceſter, Simeon of Durham, Roger de Hoveden, and the Book of Ely, are theſe: "Omni clero et populo jurejurando promittens ſe velle ſanctas Dei eccleſias ac rectores illarum defendere, nec non et cunctum populum ſibi

V. Authores citatos ſub ann. 1066.

" ſibi ſubjectum juſtè ac regali providentia regere,
" rectam legem ſtatuere et tenere, rapinas injuſta-
" que judicia, penitus interdicere." William of
V. Malmſb. de Geſtis Pontif. Angl. l. iii, f. 154. Malmſbury ſays, that he ſwore " Quod ſe modeſte
" erga ſubjectos ageret, et æquo jure Anglos quo
" Francos tractaret." Probably none of theſe writers ſet down the exact words of the oath, but only the ſubſtance of them, as they underſtood it. For
See Carte's Hiſt. of England, l. v. p. 392, et ſeq. I entirely agree with Mr. Carte in opinion, that the old office uſed at King Ethelred's coronation, and after him by all our kings of the Anglo-Saxon race, was made uſe of by William the Firſt, as we know it was by his ſucceſſors, being conformable in every point to the oath he had taken as duke of Normandy, and to that of the kings of France. But it is
V. Ducheſne officium ad conſtituendum Normanniæ ducem, p. 1050. Hiſt. Norm. Godefroi ceremon. de Franc. ſtrange that Mr. Carte ſhould ſay (as he does) that the Saxon kings only *promiſed upon their word* to keep the three articles, which the Norman princes afterwards *ſwore* to obſerve. The very office he refers to proves inconteſtably that the promiſe was made upon oath. The words are theſe, as I find them in the Cotton library, Claudius A. 3. " Hæc tria populo Chriſtiano et mihi ſubdito *in*
" *Chriſti promitto nomine.* Imprimis, ut eccleſia
" Dei, et omnis populus Chriſtianus veram pacem
" noſtro arbitrio in omni tempore ſervet. Aliud,
" ut rapacitates et omnes iniquitates omnibus gra-
" dibus interdicam. Tertium, ut in omnibus ju-
" diciis æquitatem et miſericordiam præcipiam, ut
" mihi et vobis indulgeat ſuam miſericordiam cle-
" mens et miſericors Deus, qui vivit, &c. His
" peractis, omnes dicant Amen." A more ſolemn oath than this can no where be found. But Mr. Carte, it ſeems, was unwilling to own it, leſt it ſhould appear that there was at all times in our government a compact between our kings and their people. Indeed a promiſe *on their words*, though without

any oath, would have been a compact ſufficient; for the *word* of a king ſhould be *ſacred*. Yet Carte endeavours to prove from what he calls *the late introduction of coronation oaths into practice, that they had nothing in them of the nature of an original contract*. But what comes of his reaſoning, when it is evident that ſuch oaths were *in practice* among the Saxons, as well as among the Normans? King Ethelred's is the oldeſt of which any tranſcript has been preſerved to our times; but there is no reaſon to think that the ſame form was not uſed by his royal predeceſſors. See Carte, p. 392, 393.

In the ſame Cotton manuſcript is the office uſed at the coronation of Henry the Firſt, which contains the ſame oath, with only theſe words which I have marked by Italick characters added to one of the clauſes, "Imprimis *me præcepturum et operam* "*pro viribus impenſurum*, ut eccleſia Dei, et omnis "populus Chriſtianus, veram pacem, &c." An addition that makes no alteration in the ſenſe, but expreſſes it ſomewhat more clearly.

It is obſervable, that Ingulphus, who lived at that time, ſays that William's purpoſe in invading England, was *pro jure ſuo conquirendo*. And Sir H. Spelman has ſhewn in his Gloſſary, that *conqueſtus* and *conquiſitio* were uſed in that age ſynonymouſly with *acquiſitio*. V. Ingulph. p. 74. ſub ann. 1066. Gloſſ. *Conqueſtus*.

P. 42. *That want was ſupplied by ſeveral inſurrections, and conſpiracies againſt his government, to which the nobility of England were afterwards driven by the iniquity of his miniſters.*

I do not find that any of the nobles rebelled or conſpired againſt William till the year one thouſand and ſixty eight: for the reſiſtance made by Edric, ſurnamed *Sylvaticus*, or the Foreſter, againſt the depredations, which Richard Fitz-Scrop and the Nor-

man governors of ſome caſtles in Herefordſhire made on his lands, while the king was in Normandy, was no breach of his fealty. And the Kentiſhmen, who joined with Euſtace, earl of Boulogne, in his deſign of ſeizing Dover caſtle, ſeem to have been yeomen, under no captain of any rank or diſtinction. Indeed it would have been ſtrange, if the Engliſh nobility had revolted, while Edgar Atheling, Edwin, Morcar, and others of their greateſt families, were in Normandy with the king, who wiſely carried them over, that they might be hoſtages to him for the fidelity of their countrymen. And that none did revolt, while he was maſter of thoſe pledges, appears from the beſt accounts. But the male-adminiſtration of thoſe to whom he had left the government in his abſence excited ſome diſorders among the common people, which were immediately quieted by his return into England: and, if he had then done the complainants juſtice againſt his miniſters, he would, in all probability, have prevented the inſurrections that happened the next year. If we may believe a Norman writer (William of Iumieges) a conſpiracy was formed, during his abſence, in the year 1067, for a general maſſacre of all the Normans in England, except the clergy, on Aſh-Wedneſday, when they were attending divine ſervice unarmed and barefoot, according to the penitential diſcipline in uſe at that time. Suppoſing this fact to be true, it would much excuſe the hatred and diſtruſt of the Engliſh, which afterwards appeared in the conduct of this king. But it is mentioned by no other ancient hiſtorian, Engliſh or Norman; not even by William of Poictou, inclined as he was to load the Engliſh, in order to juſtify his maſter. And what this author ſays himſelf is ſufficient to diſprove it: for he tells us, that, upon the diſcovery of the plot, and ſudden return of the king,

V. Gemitic. l. vii. c. 11. p. 289.

king, the conſpirators fled into an inacceſſible part of Cumberland, and built Durham caſtle. But as ſuch a conſpiracy muſt have been general all over England, too many perſons muſt have been concerned in it, to have eſcaped in ſuch a manner; and it is falſe that Durham caſtle was built by the Engliſh, beſides the blunder of ſuppoſing it to be in Cumberland. The offended monarch would, undoubtedly, at his return, have made rigorous enquiries after the accomplices in ſo heinous a treaſon; whereas it does not appear that he made any. The murder of Earl Coxo by his tenants, becauſe he would not join with them in rebellion, is no proof of any general deſign of this nature; as their diſcontent might be local and particular. Nor do thoſe hiſtorians who mention that fact take any notice of this. Upon the whole I think it deſerves no credit.

P. 45. *The Engliſhman, whom William truſted and favored moſt, was Waltheof, eldeſt ſon to Siward Earl of Northumberland, famous for his victory over the tyrant of Scotland, Macbeth.*

This Siward was one of the moſt extraordinary men who lived in thoſe times. H. of Huntington ſays, he was almoſt a giant in ſtature, and had a ſtrength of mind not inferior to that of his body. In the battle againſt Macbeth he loſt his ſon, and we are told, that, when he was informed of his death, he aſked the meſſenger, *Whether he had received the mortal wound before or behind?* Being anſwered, that *it was before*, he ſaid; *I greatly rejoice; for I eſteem no other death worthy of me, or my ſon.* Another writer relates, that, feeling himſelf ready to expire from the violence of a bloody flux, he ſaid, *It was a ſhame for a warrior, who had ineffectually ſought death in ſo many battles, to die now like a beaſt,* and

f. 209. ſect. 40.

Ibidem.

Brompt. Chr. p. 946.

and therefore he commanded his ſervants to cloath him in a compleat ſuit of armour, took his battle-axe in his right hand, his ſhield in his left, and in that martial habit and poſture gave up the ghoſt.

This was exactly in the ſpirit of the ancient Goths or Celts: and one ſhould have thought that a great kingdom, the nobility of which had theſe ſentiments, was in no danger of being conquered, a few years afterwards, by foreign arms. The ſon of Siward, Earl Waltheof, did not degenerate from his father: nor was Hereward inferior to either of them in valour. But no force of magnanimity or natural courage in a nation can enable it to reſiſt a ſuperior diſcipline, and a greater ſkill in the art of war.

P. 46. *Yet after having received all theſe obligations, the higheſt that a prince could confer on a ſubject, he was involved in a conſpiracy with Radulf de Guader, earl of Norfolk and Suffolk, and Roger earl of Hereford, who, upon ſome diſcontent againſt the king, of which we have not a clear account, plotted together to dethrone him*, &c.

Florence of Worceſter, and Simeon of Durham, who are followed by Hoveden, and other hiſtorians, ſay, that Radulf de Guader was forbidden by the king to marry the ſiſter of the earl of Hereford; which would account for the diſcontent of both theſe lords. But this is contradicted by the words of the Saxon chronicle, which ſay that *the king gave that lady in marriage to Radulph de Guader.* And, beſides this authority of a contemporary writer, the total ſilence of Henry of Huntington, William of Malmſbury, and Ordericus Vitalis, upon this prohibition, makes it very doubtful. The words of William of Malmſbury demand ſome obſervation. "Is, quod cognatam regis, filiam Wil-

V. Chron. Sax. ſub ann. 1075.

V. Malmſb. de W. I. f. 59. l. iii.

"helmi

" helmi filii Oſberni, deſponderat, majora juſto " mente metiens, tyrannidem adoriri meditabatur." From hence it appears, that this hiſtorian believed, that Radulph de Guader aſpired to obtain the crown of England for himſelf, by means of his match with this lady, the daughter of William Fitzoſbern, *becauſe ſhe was related in blood to the king.* But her brother might have better *claimed it, on that account,* than her huſband. Ordericus Vitalis makes them ſay to Waltheoff, *Unus ex nobis ſit rex, et duo ſint duces, et ſic nobis tribus omnes Anglici ſubjicientur honores.* Theſe words leave it uncertain, which of the three was to have been king, if their plot had ſucceeded. The Saxon chronicle ſays, that Radulf de Guader was a Breton by his mother; but that his father was an Engliſhman born in Norfolk. If this be true, the Engliſh might have deſired to give their crown, rather to him than to the earl of Hereford, who was the ſon of a miniſter that had been their oppreſſor. But all the other contemporary writers ſpeak of him as a foreigner; and William of Poictou ſays, that his family was originally Norman, and calls the duke of Normandy *his relation*; but tells us that he was ſettled in England, near Haſtings, and poſſeſt of great riches there, when that prince firſt landed. " Dives quidam finium " illorum inquilinus, natione Normannus, Ro- " bertus, filius Guimaræ, nobilis mulieris, Haſ- " tinges duci, domino ſuo atque conſanguineo, " nuntium deſtinavit," *&c.* His father might be born in England, if his grandfather ſettled there ſoon after Edward the Confeſſor came to the crown. The counties of Norfolk and Suffolk, united together, and called the earldom of the Eaſt Angles, were given to him by King William.

V. Ord. Vit. l. iv. ſub ann. 1073.

V. Geſt. Gul. Duc. p. 199.

P. 48. *Earl Coxo, an Engliſhman, was ſo faithful to William, that he was murdered by the hands of ſome of his own vaſſals, becauſe he would not join with them againſt the Normans; and in the third year of that king, when the ſons of Harold, with forces from Denmark and Ireland, had landed in England, they were vigorouſly oppoſed by an army of Engliſh, under the conduct of Ednoth, who had been maſter of the horſe to their father, and who loſt his life in the action.*

To theſe two remarkable inſtances may be added another. Edric, the Foreſter, who had diſtinguiſhed himſelf by his brave actions againſt the Normans, was pardoned by William, in the year 1070, and ever afterwards ſerved him, even againſt his own countrymen, with unſhaken fidelity.

V. Flor. Wig. S. Dunelm. Hoveden. ſub ann. 1070. 1072. et Ord. Vital. ſub ann. 1069. l. iv.

P. 56. *Nor was he ſatisfied with having thus confined to himſelf the vaſt tracts of foreſt, that he found in this kingdom; but, to make a new one in Hampſhire, laid waſte a country of above thirty miles in extent, drove out all the inhabitants, and deſtroyed all their dwellings, not ſparing even the churches, as much as he affected a reſpect for religion.*

Monſieur de Voltaire, in his Abridgement of Univerſal Hiſtory, has queſtioned this fact; and all the doubts of a writer ſo ingenious as he, deſerve a particular attention. His words are theſe, ſpeaking of William the Conqueror: "On luy reproche "encore d'avoir detruit tous les villages, qui ſe "trouvoient dans un circuit de quinze lieues, pour "en faire une forêt, dans laquelle il pût gouter le "plaiſir de la chaſſe. Une telle action eſt trop "inſenſée pour être vrayſemblable. Les hiſtoriens "ne font pas attention qu'il faut au moins vingt "années, pourqu'un nouveau plan d'arbres de-

"vienne

" vienne une foret propre à la chaſſe. On luy fait
" ſemer cette foret en 1080, il avoit alors 63 ans.
" Quelle apparence y a-t-il, qu'un homme raiſo-
" nable ait à cet age detruit des villages pour ſemer
" quinze lieues de bois dans l'eſperance d'y chaſſer
" un jour ?"

The whole force of this objection conſiſts in the improbability, that a reaſonable man ſhould have depopulated a circuit of fifteen leagues to ſow or plant a foreſt therein, when he was ſo old that, according to the uſual courſe of nature, he could not live long enough, to have any hope of hunting in it after the trees were grown up, which would require twenty years, at leaſt. But how does it appear, that, in order to make the *New Foreſt*, it was neceſſary for William to *ſow* or *plant* any trees ?

Within the extent of the country *afforeſted* by him there might be many grown woods, ſufficient to afford a cover for game of all kinds, but interſperſed with large tracts of cultivated lands, full of towns, villages, and farms ; which being deſtroyed, and all tillage forbidden there, theſe tracts would be converted into ſpacious open lawns, very proper for hunting. It is no wiſe requiſite that a foreſt ſhould conſiſt of nothing but wood, or ſhould be laid out (as ſome of the French foreſts are) in regular alleys of trees.

I will however agree with Monſieur de Voltaire, that the making the *New Foreſt*, even in the manner here explained, (which is infinitely leſs abſurd than what he ſuppoſes) was an extravagant act. But very fooliſh things have often been done by very ſenſible men, eſpecially to indulge a favorite paſſion, and in the wantonneſs of abſolute power. Extraordinary facts, *well atteſted*, muſt not be denied, only becauſe they are improbable. How many great improbabilities are there in the Life of

Charles

Charles XII. king of Sweden, ſo excellently written by Voltaire himſelf! The fact in queſtion here is ſtrongly ſupported by a great number of vouchers. Florence of Worceſter, a contemporary author, mentions it in theſe words, when he is relating the death of William Rufus: " Nec mirum (ut populi " rumor affirmat) hanc proculdubio magnam Dei " virtutem eſſe et vindictam. Antiquis enim tem- " poribus, Eadweri ſcilicet regis, et aliorum Angliæ " regum, prædeceſſorum ejus, eadem regio incolis " Dei cultoribus et eccleſiis nitebat uberrimè; *ſed* " *juſſu regis Gulielmi ſenioris, hominibus fugatis,* " *domibus ſemirutis, eccleſiis deſtructis, terra ferarum* " *tantum colebatur habitatione; et inde, ut creditur,* " *cauſa fuit infortunii.* Nam et anteà ejuſdem " Gulielmi junioris germanus Richardus in eâdem " foreſtâ multo ante perierat, et paulo ante ſuus " fratruelis Ricardus, comitis ſcilicet Norman. " Roberti filius, dum et ipſe in venatu fuiſſet, à " ſuo milite ſagittâ percuſſus interiit. In loco, quo " rex occubuit, priſco tempore eccleſia fuerat con- " ſtructa; *ſed patris ſui tempore* (ut prædiximus) " *erat diruta.*" (V. Florent. Wigorn. ſub anno 1100.) And William of Malmſbury, ſpeaking of the death of Richard, one of the ſons of William the Conqueror, ſays, " Tradunt cervos in novâ " foreſtâ terebrantem tabidi aëris nebulâ morbum " incurriſſe. *Locus eſt quem Wilhelmus pater, deſertis* " *villis, ſubrutis eccleſiis, per triginta, et eo amplius,* " *milliaria, in ſaltus et luſtra ferarum redegerat, in-* " *fando prorſus ſpectaculo, ut ubi ante vel humana* " *converſatio, vel divina veneratio fervebat, nunc ibi* " *cervi et capreoli, et cæteræ illud genus beſtiæ petu-* " *lanter diſcurſitent, nec illæ quidem mortalium uſibus* " *communiter expoſitæ. Unde pro vero aſſeritur quod* " *in eadem ſylva Wilhelmus, filius ejus, et nepos* " *Richardus, filius Roberti comitis Normanniæ,*

" *mortem*

" *mortem offenderint, ſevero Dei judicio ille ſagitta*
" *pectus, iſte collum trajectus, vel (ut quidam dicunt)*
" *arboris ramuſculo, equo pertranſeunte, fauces ap-*
" *penſus.*"

Can it be conceived that either of theſe two hiſtorians, but eſpecially William of Malmſbury, the beſt informed of all our antient writers, who publiſhed his hiſtory under the reign of one of the grandſons of William the Conqueror, and dedicated it to another, ſhould have ventured to aſcribe ſuch an act to that king, unleſs it had been notoriouſly and undeniably true? And whence could ariſe the popular notion, taken notice of by both authors, *that the judgements of God had fallen on his family in the new foreſt, becauſe of the offence he had committed in making it*, if it had not been made by him, as they have related? This is a very ſtrong teſtimony of the fact; which is alſo delivered down to us by Henry of Huntington, who publiſhed his hiſtory in the reign of king Stephen. His words are theſe, ſpeaking of William the Conqueror: " Amavit
" autem feras, tanquam pater eſſet earum: unde
" *in ſylvis venationum, quæ vocantur Noveforeſt,*
" *eccleſias et villas eradicari, gentem extirpari, et a*
" *feris fecit inhabitari.*" Simeon of Durham, who wrote under King Henry the Firſt, tranſcribes the words above-recited from Florence of Worceſter concerning this matter. It is likewiſe confirmed by many good hiſtorians of the next age, particularly Hoveden, ſub anno 1100. Brompton in fine Gul. I. and Walter Mapes, quoted by Camden in his Britannia, HAMPSHIRE. One cannot reaſonably ſuppoſe, that ſo many writers, of the greateſt authority in the times when they lived, ſhould have publiſhed a ſtory, the falſhood of which, had it been a fiction, muſt have been notorious to all England; eſpecially about a matter, in which

no

no diſpute either of religion or of party had any concern. Nor has it been ever contradicted by any one author, who lived in or near to thoſe times.

P. 60. *The lands of the biſhops and greater abbots, which had been held before in* frankalmoigne, *or free alms, were, by the authority of the whole legiſlature in the reign of this prince, declared to be* baronies, *and bound to the ſame obligations of homage and military ſervice, as the civil tenures of the like nature, agreeably to the practice in Normandy and in France.*

That this was not an act of the king's abſolute power, but done with the advice and conſent of his parliament, I do not only aſſert upon the authority of the learned Mr. Selden, but from the charter of Henry the Firſt, which annuls *all unjuſt exactions, &c.* and reſtores the laws of Edward the Confeſſor, with ſuch emendations as his father had made *aſſenſu baronum ſuorum.* But that charter did not take off the obligations impoſed on the church-lands: therefore this alteration muſt have been one of thoſe that were made *aſſenſu baronum*, which words are frequently uſed, in the charters and writings of thoſe days, to ſignify the conſent of the whole parliament. It is not quite certain, whether it was made by a particular and ſeparate act, or by that general law, which ſubjected the other lands of the kingdom of England to the ſame kind of tenure: but it appears from Matthew Paris that the time when it was put in full execution was in the year 1070, the fourth of W. I. His words are theſe: "Epiſcopatus quoque "et abbatias omnes quæ baronias tenebant, et "eatenus ab omni ſervitute ſeculari libertatem ha- "buerant, ſub ſervitute ſtatuit militari, inrotulans "ſingulos epiſcopatus et abbatias pro voluntate ſua,

"quot

" quot milites ſibi et ſucceſſoribus ſuis, hoſtilitatis " tempore, voluit a ſingulis exhiberi." (V. Mat. Par. ſub ann. 1070, p. 5.) It cannot be ſuppoſed, that the Normans, and other foreigners, to whom William gave lands, ever held them any otherwiſe than under homage to him; and we are told by Matthew Paris, that in the very firſt year of that king's reign, when, upon his return into England, he made large grants of the eſtates of the Engliſh to thoſe who had ſerved him at the battle of Haſtings, he put the remainder *under the yoke of perpetual ſervitude.* " Sed non multo poſt ad Angliam rediens " commilitonibus ſuis, qui bello Haſtingenſi regi- " onem ſecum ſubjugaverant, terras Anglorum et " poſſeſſiones affluentiori manu contulit, illudque " parum quod remanſerat *ſub jugo poſuit perpetuæ* " *ſervitutis.*" (V. M. Par. ſub ann. 1067, p. 4.) Now that this does not mean ſlavery, but merely the being ſubjected to the feudal obligations introduced by the Normans, appears from the ſame hiſtorian: for where he ſays, that thoſe obligations were laid on the lands of the biſhops and abbots, he uſes the ſame expreſſion, " et rotulos hujus eccleſiaſticæ " *ſervitutis* ponens in theſauris, *&c.*" And the author of the Saxon Chronicle uſes the word *ſervi* in the ſame ſenſe: for when he mentions the homage done to William the Firſt, in the year 1085, by all the conſiderable landholders in England, Normans and Engliſh, he ſays, " Et omnes prædia tenentes, " quotquot eſſent notæ melioris per totam Angliam, " hujus viri *ſervi* fuerunt, omneſque ſe illi ſubdidere, " ejuſque facti ſunt vaſſalli, ac ei fidelitatis juramen- " tum præſtiterunt." We may therefore conclude from the abovementioned paſſage in Matthew Paris, and from the reaſon of things, that this prince delayed no longer to introdute the Norman tenures into his realm, than till the latter end of the firſt

year of his reign, when he had taken ſuch meaſures for the ſecuring of his power, as, he believed, would enable him to do it with ſafety. But though the law then enacted, to make this alteration, might be intended by him to comprehend the church-lands together with the others thus infeoffed; yet, as the biſhops and abbots might not ſubmit to it with the ſame readineſs as the laity, on pretence that their poſſeſſions ought to be exempted from all ſecular burthens and duties, it was not, perhaps, fully eſtabliſhed, till about two years afterwards, viz. in 1070, when rolls were made out, and laid up in the Exchequer, ſpecifying the number of knights which they were required to furniſh to the king, in proportion to the extent of the fiefs they poſſeſſed. Matthew Paris informs us, that many eccleſiaſticks were driven out of the realm by the king for oppoſing this conſtitution. "Multos viros eccle-
"ſiaſticos, huic conſtitutioni peſſimæ reluctantes,
"a regno fugavit." But though the whole kingdom was then ſubjected by law to the Norman feudal tenures, the general homage of all the landholders, mentioned in the Saxon chronicle, as cited above, might not be paid till ſome years afterwards, when many more foreigners had been put into poſſeſſion of lands in this kingdom, and the Engliſh were brought into a more abſolute and more quiet ſtate of ſubmiſſion to their new government.

V. M. Paris, ut ſupra, ſub ann. 1070. p. 5.

Idem ibidem.

P. 63. *Alexander the Second was glad to take this occaſion of bringing that church into a ſtate of ſubjection to the ſee of Rome, from which it had hitherto preſerved itſelf free beyond mere compliments and forms of reſpect.*

The firſt regular ſettlement of the doctrine and diſcipline of the Engliſh church, ſeems to have been at

at the council of Hatfield held under Theodore archbiſhop of Canterbury, in the year 680. That aſſembly declared the reception of the five firſt general councils, the Canons of which declare, that all controverſies ſhall be finally determined in the provinces wherein they ariſe; and that the authority of Metropolitans in their ſynods ſhall be final and without appeal. To this doctrine it appears that the church of England adhered in all its publick acts and declarations, till it fell under the government of the Normans. The affair of Wilfrid biſhop of York, contemporary with Theodore, the abovementioned archbiſhop of Canterbury, has been urged by ſome as a proof of its having been, even in thoſe times, ſubjected to Rome: but upon examination I think it will appear to prove the contrary. This prelate having been deprived of his biſhoprick, which after his expulſion was divided into three by Ægfrid king of Northumberland and his council, went to *Rome*, and obtained from pope Agatho, and a ſynod aſſembled under him, an opinion, or judgement, that he ought to be reſtored; and that if the intereſts of religion required the diviſion of his dioceſe, yet ſuch biſhops as he approved of ſhould be placed in them: to enforce which they decreed, that, if any biſhop or preſbyter refuſed obedience thereto, he ſhould be depoſed; and if any layman, he ſhould be denied the holy ſacrament. This was certainly an attempt to ſtretch their authority over the Engliſh church: but when Wilfrid brought theſe extraordinary reſolutions to Ægfrid, that prince, by the advice of his biſhops and nobles, whom he had aſſembled, to conſult with them upon this matter, ſent him to priſon. Being delivered from that confinement he went into exile, from whence he did not return till after the death of Ægfrid. He was then reſtored to his biſhoprick by the inter-

V. Bede's Eccleſ. Hiſt. l. iv. c. 17, See alſo Inett's hiſt. of the Engliſh church, c. 8, p. 128.

V. Eddii Vit. Wilfrid. Inett's hiſt. of the Engliſh church, c 6.

Inett, c. 7. p. 116, 117.

ceſſions of Theodore archbiſhop of Canterbury, who had before been his enemy, but was reconciled to him now, and recommended him to Alfrid, Ægfrid's ſucceſſor in that kingdom, on account of the ſervices he had done to God and the church, during the time of his exile, by converting the Friſians and South-Saxons. Yet having, not long afterwards, quarrelled with Theodore, and offended Alfrid, he was again driven from his ſee, and taking ſhelter in Mercia, was made biſhop of Leiceſter. There he remained till after Theodore's death: but, about the end of the ſeventh century, Alfrid, and Berthwald archbiſhop of Canterbury, together with moſt of the Engliſh biſhops, ſent for him to confer with them, and, after long and warm diſputes, determined to deprive him of all he held either in Mercia or Northumberland; from which reſolution, however, they ſo far departed, as to allow him to retain the abbey of Rippon, if he would retire thither, and never ſtir beyond the bounds of that monaſtery without leave of the king. In anſwer to this, beſides pleading the merit of his ſervices to the church, he reproached the king and the biſhops for having preferred the conſtitutions made under Theodore to the judgement of the Apoſtolick ſee,

Eddii Vit. Wilfrid, c. 45. Inett, c. 9. p. 133.

and having deſpiſed it's authority for two and twenty years together: concluding with a threat, that he would go to Rome and vindicate his innocence *before the wiſe men of that church.* Whereupon the king and the archbiſhop declared, that *chuſing rather to be judged by them than by the council, he had ſufficiently merited a condemnation from the council:* and the king offered to compel him to ſubmit to their judgement; but they, having promiſed that no violence ſhould be offered to his perſon, diſſuaded the king from this courſe; yet, to aſſert their own authority, they immediately excommunicated him, with all his adherents,

herents. Under this ſentence he applied once more to the ſee of Rome, to which alſo the council ſent an accuſation againſt him, to juſtify themſelves in the opinion of that ſee, but with no acknowledgment of any authority or juriſdiction therein above their own: for, on the contrary, the firſt and chief article of the charge they brought againſt Wilfrid was his refuſal to ſubmit to their judgement. After long deliberations the pope and his ſynod declared him innocent, received him into their communion, and ſent him to England, with letters that were written rather in the ſtyle of interceſſions than decrees, deſiring that Berthwald archbiſhop of Canterbury ſhould call a council for the rehearing the cauſe of Wilfrid, and determining it among themſelves; but, that in caſe it could not be thus adjuſted, the parties concerned ſhould come to Rome; the pope aſſuring them, that he would call together a greater number of biſhops than was preſent there at that time, and endeavour, with their aſſiſtance, finally to decide this affair. One of theſe letters being directed to Berthwald, upon the delivery of it by Wilfrid, that prelate thought it beſt to be reconciled to him, and promiſed him to *mitigate* the harſh decrees the former ſynods had made againſt him. Another letter from the pope was addreſſed to Ethelred, king of the Mercians, who had always been a friend to Wilfrid; but he, having retired from the throne to a monaſtery, could only recommend that prelate to Kenred, his couſin-german and ſucceſſor; which he did with good effect. But ſome time afterwards Kenred having ſent envoys to Alfrid, king of Northumberland, to deſire his leave for Wilfrid to come and wait upon him with the letters he had brought from Rome, that prince received them graciouſly, and having adviſed with his council returned this anſwer: "that he had a great value for their per-

" ſons, and if they would aſk him any thing for " themſelves he would readily gratify them; but " commanded them not to ſollicit him any more in " the affair of Wilfrid: *For* (ſaid he) *what my* " *predeceſſors, the kings of Northumberland, with the* " *archbiſhop and their council did formerly agree upon,* " *and what myſelf, with an archbiſhop ſent from* " *Rome, together with the greateſt part of the Engliſh* " *biſhops, have again determined, I will never alter* " *while I live, out of regard to what you call the* " *writings of the Apoſtolick ſee.*" By *an archbiſhop ſent from Rome*, Alfrid meant Theodore, who had been promoted to Canterbury by the recommendations of that ſee. But this king dying ſoon afterwards, Wilfrid applied to his ſucceſſor Eadwolf, who, by the advice of his council, ſent him word, *that if he did not depart out of his kingdom within ſix days, he would put to death all his friends and followers that he could lay hold of.* This would certainly have put an end to Wilfrid's applications, if that prince had lived long: but he was dethroned by a conſpiracy in favor of Oſred, the ſon of the late king, who was a child of eight years old, and the government falling into the hands of ſome perſons who favored Wilfrid, Berthwald archbiſhop of Canterbury came into Northumberland, and held a council there, with the biſhops, abbots, and nobility of that kingdom, to whom he declared his reconciliation with Wilfrid, and urged in his favor the judgement of the pope and his council. But many of the biſhops, and among them ſome who were afterwards *ſainted*, aſked, *Who had power to change thoſe things which their predeceſſors, together with Theodore, archbiſhop by the favor of the Apoſtolick ſee, and King Ægfrid, had long before determined; and which had ſince been confirmed by king Alfrid, and archbiſhop Berthwald himſelf, together with moſt of*

the

the Engliſh biſhops, aſſembled in the council of Oſterfield. This queſtion implies the moſt abſolute denial of the papal authority over the Engliſh church: and it does not appear, that the council were of another opinion: but Elfleda, abbeſs of Whitby, and ſiſter of Alfrid, having declared to them, that her brother did, upon his death-bed, make a vow to conſent to the reſtoration of Wilfrid, and charge his ſucceſſor to perform it, this temperament was agreed to, viz. that John, then biſhop of Hexham, ſhould be removed to the ſee of York, which happened luckily to be vacant, and that Wilfrid ſhould ſucceed to him in the biſhoprick and abbey of Hexham, and enjoy together with them his abbey of Rippon. Thus ended this affair, in the whole proceſs of which I think it appears, that the ſee of Rome would gladly have taken advantage, of the peculiar reſpect and deference, which the lately-converted Saxons naturally paid, in the firſt heat of zeal, to that church which had ſent them their firſt inſtructions, in order to eſtabliſh it's ſupremacy and juriſdiction in England: but that this attempt was reſiſted; and that in the final concluſion of the diſpute about Wilfrid and the diviſion of his ſee, though a weak government, under a minor king, was a circumſtance of great benefit to that prelate, yet ſtill the conceſſions made to him by the council, which gave him the ſee of Hexham and the two abbeys abovementioned, were made in ſuch a manner, as indicated no ſubjection to the papal authority. And though, in later times, that authority extended itſelf more and more, over other weſtern churches, it did not gain any ground among the Anglo-Saxons. For it is declared by one of the canons of the council of Calcuith, held in the year 816, that it was unlawful for any biſhop to meddle in the affairs of any dioceſe but his own, except

the archbiſhop alone, who was the head of the biſhops in his province, and had the power of judging finally of all offences againſt the canon, where the offenders refuſed to ſubmit to the deciſion of their own dioceſans. And the accurate and judicious Mr. Inett, in his hiſtory of the Engliſh church, has truly obſerved, "That, from the firſt "planting of Chriſtianity amongſt the Engliſh till "this time, there is not ſo much as one canon that "reſerves any one caſe to the judgement of the "biſhops of Rome, or ſo much as takes notice of "any authority they had over the Engliſh church, "but, on the contrary, the conſtant conduct of the "Engliſh biſhops was ſuch as ſhews, that they ever "eſteemed the Engliſh a free and independent "church, and under no obligations to the biſhops "of Rome, but ſuch as gratitude, affection, and "opinion of the wiſdom and holineſs of thoſe "prelates laid upon them." He alſo remarks very ſenſibly upon the ſynodical epiſtle, ſent by the biſhops of England to pope Leo the Third, in the year 798, "That by aſſerting therein (as they did "very explicitly) their right to conſecrate their own "metropolitans, and that their going to Rome to "demand their palls was a novelty and abuſe, they "did plainly aſſert their being a church free and "independent on the patriarchate of Rome: the "conſecration, or at leaſt the confirmation of me-"tropolitans within their patriarchate, being ever "eſteemed the firſt and diſtinguiſhing right of every "patriarch."

P. 255. c. 16.

See Inett's hiſt. of the Engliſh church, c. 14. p. 232.

After the council of Calcuith, we find no change in the ſentiments of the Engliſh with regard to the independency and liberty of their church till the coming in of the Normans. The abovementioned author well obſerves, upon occaſion of the new biſhopricks erected about the year 909, "That "the

Ibidem, c. 18. p. 299, 300.

" the kings of England, with the advice of their " biſhops and people, founded or divided biſhop- " ricks as they ſaw cauſe, and without expecting " any authority, or allowance, or approbation from " abroad. And the great number of eccleſiaſtical " laws made by king Alfrid and Edward his ſon, " as well as by their predeceſſors, and this too with " the advice and good liking of their clergy, leave " no poſſibility of doubting that the ſupremacy in " eccleſiaſtical, as well as civil cauſes, was hitherto " eſteemed the undoubted right of the kings of " England."

I ſhall conclude this note with remarking the contempt of the papal power, ſhewn even during the reign of Edward the Confeſſor, by Stigand archbiſhop of Canterbury, who, though excommunicated by Rome, continued to diſcharge his metropolitan functions, againſt her expreſs prohibitions, repeatedly ſent to him, for nineteen years together. An inſtance which proves, not only his opinion of the want of authority in that ſee to judge or controul him, but alſo the opinion of the whole Engliſh church: for they would not have acknowledged his metropolitan power, nor have even continued in communion with him, if they had been directed by the judgements, or in any degree ſubjected to the authority of Rome.

Ibid. *The legates therefore had orders to ſerve him according to his wiſhes; and none diſputing what he agreed to, they were permitted to exerciſe ſuch an authority and juriſdiction in England, as never had been granted to any before*, &c.

The firſt legates from Rome who came into this iſland ſince Auſtin the Monk, and the laſt till the reign of William the Conqueror, were the biſhops of

See Concil. Brit. p. 292. & Anglia ſacra, pars I. p. 461.

of Oſtia and Todi, who, about the year 786, were ſent into England by Adrian the Firſt. The biſhop of Oſtia went to the court of Offa, king of Mercia, who made great court to the ſee of Rome, and ſeems to have deſired this legation for purpoſes of his own. The biſhop of Todi repaired to a council held in Northumberland, to which he propoſed and recommended ſome articles of doctrine and diſcipline, drawn up by Adrian for their uſe and inſtruction; and theſe, being firſt approved by the legiſlature in that kingdom, were then, by both legates, propoſed to the Engliſh biſhops ſouth of the Humber, who were aſſembled at Calcuith upon this affair. But though they were received by both theſe councils, it was done in ſuch words as import no acknowledgment of any degree of *ſubjection* to Rome, but merely as *an approbation of wholeſome admonitions*. Whereas the councils held under the legates ſent into England during this reign were *convened by their ſummons*, and *ſubjected to them*, who, in the name of the Pope, exerciſed judicature over the biſhops of England, and over their primate, with a plenitude of power unknown to this country in any former times.

P. 69. *William was now grown infirm, and wiſhed for peace in his old age: but grievous depredations having been made by the French on the borders of Normandy, and his patience inſulted by words of contempt, thrown out in publick by Philip againſt him, his great ſpirit was rouſed*, &c.

See Malmſb. l. iii. de W. I. f. 63.

The words were to this effect, *that the king of England, having been lately delivered of his great belly, was now lying-in at Rouen*, &c. which indecent ſarcaſm was founded upon William's having gone through a courſe of phyſick there, to bring down a too corpulent habit of body, and a very prominent belly,

belly, with which he was much incommoded. This being repeated to him, he ſwore *by the reſurrection and ſplendor of God, that, when he ſhould go to maſs at his churching, he would light up to Philip a hundred thouſand candles*; alluding to the cuſtom women had, in thoſe days, of offering lighted candles when they were churched; but meaning, that he would fire ſome French town, to revenge the contempt thrown upon him; which menace he put in execution againſt the city of Mans. The jeſts were coarſe on both ſides; but, I think, they are worth repeating here.

P. 70. *His conſtitution enabled him to endure any hardſhips, and very few were equal to him in perſonal ſtrength*, &c.

Of this William of Poictou has given an inſtance which it may not be improper to mention here. He tells us, that the duke, upon his landing in England, having been out with a ſmall party to *reconnoitre* the country, and, as he returned, being obliged, by the difficulty of the road, which they could not paſs on horſeback, to march on foot, one of his attendants, William Fitzoſborn, a perſon famous for vigour of body and mind, was ſo fatigued, that he was not able to carry his own ſhield: but the duke took it from him, and bore it together with his own, till they came to the camp.

V. Geſt. Gul. Duc. Norm. ap. Ducheſne, p. 199.

P. 75. *The anger of William the Firſt againſt his eldeſt Son Robert, was ſo confirmed by the laſt rebellious acts of that prince, that, although on his death-bed he gave a full and free pardon to all his other enemies, he did not extend it to him, but puniſhing him as much as lay in his power, bequeathed the crown of England to William Rufus*, &c.

In-

Ingulph. hiſt. p. 106. edit. Gale.

Ingulphus, who was contemporary with William the Firſt, writes thus of this matter: "Cum enim "glorioſiſſimus rex Wilhelmus primus in fata "ceſſiſſet, et Normannium Roberto filio ſuo ſeniori "dimiſiſſet, ac Angliam Wilhelmo filio ſuo juniori "*per teſtamentum legaſſet.*" This evidence is ſufficient, but it is confirmed by other writers of the greateſt authority. William of Malmſbury ſays,

Malmſb. de W. I.

"Normanniam invitus et coactus Roberto, An-"gliam Wilhelmo *delegavit.*" Florence of Worceſter, Henry of Huntington, Simeon of Durham, and Hoveden, expreſs themſelves in the ſame manner. And William of Newbury writes thus,

V. Neubrig. l. i. c. 1.

"Gulielmus autem, poſtquam regnum fortiter ad-"quiſitum per annos XXI nobiliter tenuit, cum jam "ſub extremâ ſorte decumberet, tres filios *deſignavit* "*hæredes.* Et quidem Robertum, primogenitum "ſuum, quia paternæ pietati inofficioſus et rebellis "exſtiterat, ducatu contentum eſſe voluit: ſui vero "nominis filio, in quo ſibi melius complacebat, "*regnum Angliæ aſſignavit.*" Yet Ordericus Vitalis ſeems to deny the truth of the fact, in a ſpeech which he ſuppoſes William the Firſt to have made when he lay on his death-bed. The words are theſe, "*Neminem Anglici regni conſtituo hæredem*; ſed "æterno conditori, cujus ſum, et in cujus manu "ſunt omnia, illud commendo." He then puts into his mouth an ample confeſſion of the injuſtice and cruelty, with which he had obtained and governed the kingdom; and concludes thus, "Faſces hujus "regni, quos cum tot peccatis obtinui, *nulli audeo* "*tradere, niſi Deo ſoli.*" This ſpeech is repeated, word for word, in a fragment prefixed to Walſingham's hiſtory in Camden's edition, the whole of which appears to me to be only a Tranſcript from Ordericus Vitalis, and certainly was not written (as Camden conjectures) by William of Poictou: for

that

that hiſtorian did not bring down his hiſtory ſo far as the death of William the Firſt. (See Order. Vital. p. 514.)

Some modern writers have given more weight to the paſſage in Ordericus Vitalis than it deſerves. No other argument can be juſtly drawn from it, than to ſhew what opinion the hiſtorian himſelf had of the title and government of William the Firſt. For if that king, on his death-bed, had really uſed ſuch expreſſions, in ſo publick a manner, before all his barons, ſurely ſome other hiſtorian, who lived in that age, would have taken notice of it: but all the contemporary writers, Engliſh or foreign, are quite ſilent about it. William of Malmſbury ſays indeed, that when the phyſicians, upon inſpecting his urine, pronounced he would die, he made great lamentations, that a haſty death ſhould prevent him from amending his life, as he had long intended to do. "Conſulti medici inſpectione urinæ certam "mortem prædixere: quo audito, querimoniâ do- "mum replevit *quod eum præoccuparet mors emenda-* "*tionem vitæ jamdudum meditantem.*" But this is far from ſuch an expreſs condemnation of himſelf, with regard to the methods by which he had acquired and governed England, as Ordericus Vitalis has made him pronounce. I therefore think, that the whole ſpeech (as it is ſet down in that author) muſt be conſidered as a mere *fiction*, alluding indeed in ſeveral parts of it to matter of fact, but never ſpoken by William, and rather expreſſing the ſenſe of the hiſtorian than of the king. Be this as it may, it ſtill appears, from Ordericus Vitalis himſelf, that, notwithſtanding the words here cited, that prince did bequeath his crown to William Rufus. For he not only makes him ſay to the barons about him, "Gulielmum, filium meum, qui mihi a primis "annis ſemper inhæſit, et mihi pro poſſe ſuo per

V. Malmſb. de W. I. f. 63. ſect. 10.

"omnia

" omnia libenter obedivit, *opto* in ſpiritu Dei diu " valere, *et in regni ſolio, ſi Dei voluntas eſt, feli-* " *citer fulgere*;" but he afterwards adds, " His ita " dictis, metuens rex ne in regno tam diffuſo re- " pentina oriretur turbatio, *epiſtolam de conſtituendo* " *rege fecit Lanfranco archiepiſcopo, ſubque ſigillo* " *tradidit Gulielmo Rufo filio ſuo*, jubens ut in An- " gliam transfretaret continuo. Deinde oſculatus " eum benedixit, *et ad ſuſcipiendum diadema prope-* " *ranter direxit.*"

P. 211. The very ingenious and learned author of a late *Eſſay towards a general hiſtory of feudal property in Great Britain* obſerves, " That a notion prevailed in " theſe times, that, when a ſon was provided for, " or, as it is termed, both in the feudal and civil " law books, *foriſfamiliated*, he had ſcarce any " right to expect any thing further from his fa- " ther; a conſequence of which was that the grand- " ſon could expect ſtill leſs from his grandfather. " *And hence* (ſays he) *in the publick ſucceſſions of* " *England, on the death of William the Conqueror,* " *William Rufus ſucceeded to the crown, in excluſion* " *of his elder brother already provided in the dutchy of* " *Normandy. On the death of Henry the Firſt,* " *Stephen took the ſame crown, in preference to his* " *elder brother Theobald, already earl of Blois. On* " *the death of Richard the Firſt, John ſucceeded, to* " *the excluſion of Arthur, his eldeſt brother's ſon, al-* " *ready duke of Britany.*" But, in theſe applications of the abovementioned notion to *publick ſucceſſions*, that author has certainly been miſtaken. For there is not the leaſt intimation in any hiſtorian who wrote in thoſe times, that William Rufus was preferred to Robert, his eldeſt brother, on account of his having obtained the dutchy of Normandy during the life of his father. Indeed he never obtained it, till after the death of that king; though, to force his fa-

father to give it him, he made war upon him; which, moſt certainly, he would not have done, if he had imagined that the conſequence of his prevailing in that demand would be an excluſion of him from his ſucceſſion to the kingdom of England. It appears, from the paſſages before-cited, from William of Newbury, on what account he really was deprived of that kingdom, viz. the anger of his father againſt him for his undutiful and rebellious behaviour. "Et quidem Robertum, primogenitum ſuum, *quia paternæ pietati inofficioſus et rebellis exſtiterat*, ducatu contentum eſſe voluit: ſui vero nominis filio, *in quo ſibi melius complacebat*, regnum Angliæ aſſignavit." Nor could Theobald's being poſſeſſed of the earldom of Blois be the reaſon why Stephen was preferred to that prince in his claim to the crown of England; ſeeing that Stephen himſelf, at the very time of his election, enjoyed the two earldoms of Mortagne and Boulogne, and therefore was *provided for* as well as his brother. It was no objection to Henry the Second's ſucceſſion in England, that the dutchy of Normandy had been made over to him during the life-time of his father and mother; or that, when he came to purſue his claim to the crown after the death of his father, he had many more very great dominions in France. Whereas, if the above-mentioned notion had prevailed in publick ſucceſſions, his youngeſt brother would have had a better title than he. And John, his youngeſt ſon, would have ſucceeded to him in the kingdom of England, inſtead of Richard Cœur de Lion; ſince the latter was duke of Aquitaine before the death of his father. But we do not find any trace in hiſtory or records, that John ever thought of ſetting up ſuch a claim. And it ſurely was not, becauſe Prince Arthur, his nephew, *was already duke of Britany*,

that he ſucceeded to Richard; but becauſe the right of *repreſentation* not having been yet ſufficiently or univerſally fixed, either in fiefs, or in kingdoms where the feudal laws were received, his claim was thought preferable to that of his nephew, on the old principle of *nearneſs of the blood*, and alſo from the regard that was paid by the nation to Richard's *nomination of him by his laſt will*. The author of the abovementioned eſſay himſelf, with an ingenuity and a candor that do him much more honor, than he could receive from the diſcovery of any new light in a point of this nature, has allowed me to ſay, that he is convinced he was in an error, with regard to this matter.

P. 75. *Richard, who is ſaid to have been a young prince of great hopes, having died ſome years before.*

William of Malmſbury ſays, that he died of a diſtemper caught by the bad air of the New Foreſt in which he uſed to hunt. Theſe are the words of that hiſtorian: "Richardus magnanimo parenti "ſpem laudis alebat, puer delicatus, et, ut id æta- "tulæ puſio, altum quid ſpirans. Sed tantam "primævi floris indolem mors acerba, cito depaſta "corrupit. Tradunt cervos in Nova Foreſta tere- "brantem *tabidi aëris nebulâ mortem incurriſſe.*" After which he mentions the barbarities committed by William the Firſt in making the New Foreſt, and the death of his ſon William Rufus, and of his grandſon Richard, a natural ſon of Robert; one of whom was mortally wounded with an arrow in his breaſt, and the other in his throat; or (as ſome relate the ſtory) was ſtrangled by a bough, which twiſted itſelf about his neck, as his horſe carried him under a tree, in that Foreſt. But other hiſtorians tell us, that Richard, William's ſon, was kill-

V. Malmſb. de Will. I. l. iii. f. 62. ſect. 30.

ed

ed there by a ſtag, which gored him with his horns. I ſuppoſe that William of Malmſbury's account is the trueſt; becauſe a deſire of ſhewing, that the cruelty of the father, in making that Foreſt, was purſued, even in this world, by the particular vengeance of God on the family, as well as *the love of the marvellous*, might incline thoſe hiſtorians to alter, or add to, the truth, with regard to the circumſtances of this prince's death.

P. 80. *The ſilver money alone, according to the beſt computation I am able to make, was equivalent at the leaſt to nine hundred thouſand pounds of our money at preſent.*

To underſtand many paſſages which occur in this hiſtory, it will be neceſſary to ſettle as nearly as we can, what the nominal and real value of money then was compared with the preſent.

Biſhop Fleetwood, who has written a book on this ſubject, quoting the words of an ancient hiſtorian upon the agreement made with King Henry the Firſt by his eldeſt brother Robert, viz. that Robert, in lieu of his claim to the kingdom of England, ſhould have 3000 l. *per annum in weight*, ſays, "that the words *in weight* are put in to ſig-"nify that the money ſhould not be clipped: *for* "*a pound by tale was at this time, and long after,* "*moſt certainly a pound in weight.*" He alſo calls *Du Freſne* to prove that the Libra Gallica was the ſame with the Libra Anglo-Normannica.

V. Chron. Pretioſum, c. v. p. 118. V. Petri Bleſenſis continuat. c. iii. p. 28.

Another learned antiquary, Sir Robert Atkyns, ſays, "that in the Norman times, and ever ſince, "a ſhilling was accounted twelve pence, and every "penny weighing three pence, there muſt be the "weight of three of our ſhillings in one ſhilling "of the Norman computation, and conſequently "twenty

See Atkyns's Glouceſterſhire, p. 8.

" twenty Norman ſhillings do likewiſe make a " pound weight."

Hiſtory of the Exchequer, c. ix. p. 188.

Mr. Madox, in his hiſtory of the Exchequer, cites a ſhort treatiſe touching ſheriffs accounts, ſuppoſed to be written by Sir M. Hale, in which are theſe words. " The ſolutio ad penſum was the " payment of money into the Exchequer by full " weight, viz. *that a pound, or* xx *ſhillings in ſilver* numero, *by tale, ſhould not be received for a* " *pound, unleſs it did exactly weigh a pound weight* " *Troy, or twelve ounces*; and if it wanted any, that " then the payer ſhould make good the weight, by " adding other money, although it amounted to " more or leſs than ſix pence in the pound (which " was the *ſolutio ad ſcalam.*) And thus frequently " occurs in the Pipe-rolls, *In theſauro* C. *l. ad* " *penſum*, or full weight." Upon this paſſage Mr. Madox makes theſe obſervations: " There is fre- " quent mention made in the moſt ancient Pipe- " rolls of payment *ad penſum*; but not (that I " know) of payment *ad ſcalam.* On the other " part, his obſervation touching the payment *ad* " *ſcalam*, viz. in the ſix pence *per* pound advance, " is, I believe, juſt." Which he confirms by authorities in the Exchequer, and ſhews it was ſo accounted from the reign of Henry the Firſt, to the end of the reign of Edward the Firſt.

See Folkes, p. 45.

But Mr. Folkes, in his table of Engliſh coins, ſays, " that king William the Firſt introduced no " new weight into his mints, but that the ſame " weight, uſed there for ſome ages after, and call- " ed the pound of the Tower of London, was the " old pound of the Saxon moneyers before the " conqueſt. *This pound was lighter than the Troy* " *pound by three quarters of an ounce Troy*, and did " not very ſenſibly differ from twelve ounces of the " weight

" weight ſtill uſed in the money affairs of Germany, " and there known by the name of the *Colonia* " weight. And whereas the preſent ſtandard of " England, of eleven ounces two penny weight " fine, to eighteen penny weight of allay, is called, " in the oldeſt accounts of the mint extant, the Old " ſtandard, or the ſtandard of the Old ſterlings; it " is moſt probable that theſe pennies were of that " ſtandard, and that the pound of the Tower of " ſuch ſtandard ſilver was then cut into 240 of " theſe pennies. Whence the weight of the penny " will be found 22 Troy grains and a half, and the " intrinſick value of twenty ſhillings, or of 240 " ſuch pennies of full weight, was the ſame as the " value of fifty-eight ſhillings and one penny half-" penny of our preſent coined money."

Nevertheleſs, to avoid troubling the reader with fractions, I ſhall, with the above-cited authors, ſuppoſe, that from the beginning of the reign of William the Firſt, till after the death of Henry the Second, the Engliſh pound muſt be underſtood to mean a pound weight of ſilver, containing three times the quantity of ſilver contained in our preſent pound ſterling, the ſhilling and pennies weighing alſo three times as much as ours.

It appears from a paſſage in Florence of Worceſter, that the common *mark* in thoſe days was *two thirds of a pound of ſilver*, that is, twice the value of our preſent pound ſterling. His words are theſe, " Pacem inter fratres eâ ratione compoſuere, ut " *ter mille marcas*, id eſt, 2000 *libras argenti*, ſin-" gulis annis rex perſolveret comiti, *&c.*" And agreeably to this Mr. Madox ſhews in his hiſtory of the Exchequer, " that nine marks of ſilver were " equivalent to ſix pounds in the reign of king " Stephen; that is, they were then, as they have " continued ever ſince, 13 s. 4 d." He alſo obſerves

V. Flor. Wig. ſub ann. 1123.

See Hiſt. of the Exchequer. p. 189. c. 9. Mayn. Rot. 5. Stephan.

Rot. 5. a. Mayn. Rot. 2. Hen. II. Rot. 12. b.

ſerves from the Pipe-rolls, that, in the ſame reign, nine marks of ſilver were accepted in payment for one mark of gold. And that, in another inſtance under the reign of Henry the Second, ſix pounds in ſilver were paid for one mark of gold.

The Angevin pound, of which mention is ſometimes made in the hiſtory of thoſe times, was but a fourth part of an Engliſh pound: for Hoveden ſays, that by an ordinance of Richard the Firſt, while he was in Sicily, during the cruſade, *one penny Engliſh was to go in all markets for four Angevin pence.*

V. Annal. Parspoſterior. R. I. f. 384. ſect. 40.

Having thus ſhewn how much ſilver was contained in the pounds and marks of thoſe days, I ſhall next endeavour to ſhew what proportion the value of ſilver then bore to the common value of it at preſent.

This has been eſtimated differently by authors who have treated the ſubject, ſome thinking that it ought to be reckoned at twenty, ſome at fifteen or ſixteen, and ſome at ten times the preſent rate.

To form ſome conjecture, which of theſe computations is neareſt the truth, or rather to ſhew that they are all much too high, I ſhall tranſcribe a few paſſages from the contemporary authors.

And firſt, with regard to the price of corn in thoſe times, (which is thought the beſt ſtandard to judge by in determining this queſtion) I find that, in the year 1126, the 25th of Henry the Firſt, ſix ſhillings a quarter was thought an exceſſive price to be given for wheat. Henry of Huntington ſays, "Iſte eſt annus *cariſſimus omnium noſtri temporis*, in "quo vendebatur onus equi frumentarium *ſex ſoli-* "*dis.*" And Henry of Hoveden, whoſe hiſtory is carried down to the year 1201, deſcribes this with the ſame, and even ſtronger expreſſions, "Hoc "anno (id eſt, 1126.) *fames magna, et annonæ tan-* "*ta*

V.H. Huntin. Hiſt. l. vii. f. 219. ſect. 30. V. Hoveden, ann. pars prior, f. 274.

" *ta fuit caritas, quantum nemo noſtro in tempore vi-*
" *dit, quando vendebatur onus equi frumentarium ſex*
" *ſolidos.*" By another paſſage in Henry of Huntington, it appears, that *onus equi frumentarium* was the ſame as *ſextarius*, what we now call a quarter, containing eight buſhels. His words are theſe, " Circa hoc tempus (Edwardi Confeſſoris anno " quinto) *tanta fames Angliam invaſit*, quod *ſextarius* frumenti, qui equo uni ſolet eſſe oneri, venundaretur *quinque ſolidis, et etiam plus.*" And ſix ſhillings a quarter is the higheſt price that I find to have been given for wheat, from the times of Edward the Confeſſor till after the death of Henry the Second. What was the common or middle price of wheat in thoſe days, I find no account in the contemporary authors. But, from a paſſage in Matthew Paris, it appears, that in the year 1244, when the value of money was certainly not lower than it had been in the times of Henry the Second, two ſhillings a quarter was thought a low price. " Tranſiit igitur annus ille *frugifer abundanter* et " fructifer, *ita quod ſumma frumenti ad precium duo-*
" *rum ſolidorum deſcendebat.*" *Summa frumenti* is a *ſeam*, or quarter of wheat. It muſt be obſerved, that according to the ſame author, the preceding year had alſo been *ſufficiently fruitful* in grains of all kinds, *frugifer ſatis et fructifer* (V. M. Par. ſub anno 1243.) So that before this fall in the price of corn by the produce of the year 1244, it could not have been very high. Admitting then that the ſilver, which was contained in two ſhillings when Matthew Paris wrote, weighed as much as ſix ſhillings of our preſent money, if we ſuppoſe that the value of ſilver was ten times as great, (which is the loweſt computation of the three abovementioned) the price of wheat here ſet down as an indication of great plenty, was very little ſhort of what we give now in a year of great ſcarcity, *viz.* eight

V. Huntin. l. vi. f. 209. ſect. 10. See alſo Fleetwood's Chron. Preciof. p. 52, 57.

V. M. Paris, H. iii. ſub ann. 1244.

ſhillings a buſhel. But if we reduce the value of ſilver in reſpect to commodities, to only five times the preſent, the price mentioned by Matthew Paris will then be under four ſhillings a buſhel. And by the ſame way of computing, ſix ſhillings a quarter will be equivalent to what is now an exceeding high price, and may well be called a famine, *viz.* about eleven ſhillings a buſhel. Nevertheleſs it appears that, in the year 1351, workmen were to take their wages in wheat at the rate of x d. a buſhel, which is 6 s. 8 d. a quarter. But it muſt be obſerved, that before that time, *viz.* in the year 1346, the weight of the penny was brought down to 20 grains Troy. (See Folkes on Engliſh coins, p. 11.) The encreaſe of our trade, and of the ſpecie in the kingdom, under Edward the Firſt and Edward the Third, may have alſo occaſioned a diminution in the value of ſilver with reſpect to commodities. Whereas money or bullion muſt have been more ſcarce in England under Henry the Third, than it had been from the conqueſt till the death of Henry the Second, by the great drains made from thence in the reign of Richard the Firſt, to ſupport his cruſade, and pay his ranſom; and by the vaſt ſums that were annually ſent to Rome. Nor was any alteration yet made in the weight of the coin. The common or mean rate for wheat at Windſor market, for fifty years from 1696 to 1746, was 5 s. 4 d. a buſhel.

See Fleetwood's Chron. Precioſ. p. 129.

See Fleetwood's Chron. Precioſ. p. 129.

About the year 1145, the tenant of a certain place was to pay yearly twenty ſhillings, or ſeven oxen, each worth three ſhillings. Theſe oxen muſt have been *lean*; for when they were to be *fat*, we find it ſo expreſſed in other agreements: and I ſuppoſe they were of a moderate ſize. Reckoning therefore three ſhillings of the money in thoſe days as equal in weight to nine of ours, and multiplying the latter by five, a lean ox, of a moderate ſize,

was then rated at a price equivalent to forty-five ſhillings of our preſent money.

In the year 1185, the tenants of Shireborn were to pay either two-pence, or four hens, which they would. If therefore we compute the two-pence at ſix-pence, and multiply that by five, the price of theſe hens was equivalent to ſeven-pence half-penny each at this time. And a hen not fatted is commonly valued at that rate in the country, or not much above it.

By a treaty made in the year 1173, the earl of Toulouſe agreed to pay to king Henry the Second, and to Richard his ſon, as earl of Poictou, 100 marks of ſilver per annum, or, in lieu thereof, ten war-horſes *of price*, each of which was to be worth at leaſt ten marks of ſilver. " Et præterea comes " de ſancto Ægidio dabit eis inde per annum 100 " marcas argenti, vel 10 deſtrarios de pretio, ita " quod unuſquiſque eorum valeat ad minus 10 " marcas." (V. Benedict. Abb. ſub ann. 1173.) The mark of ſilver being then two-thirds of a pound, and every pound equal in weight to three of our preſent pounds, according to all the authorities cited above, except Mr. Folkes, if we reckon the value of ſilver at five times the preſent, the price of each of theſe horſes will be equivalent to one hundred pounds ſterling of our money now; and good war-horſes may have been uſually ſold at that rate. William of Malmſbury ſays, that William Rufus bought one for fifteen marks of ſilver, and ſeems to mention it as a high price, " Deturbatus equo, " *quem eo die quindecim marcis argenti emerat.*" (V. Malmſb. lib. iv. de W. II. f. 68. ſect. 20.) Yet in the year 1207, one Amph. Till, a foreign baron, impriſoned here by king John, was to pay, in part of his ranſom, ten horſes, worth thirty marks each, or in lieu of each horſe, thirty marks; an incredible price, if we compute the value of money

much higher than the rate at which I have put it. Indeed this Amph. Till muſt have been a man of great note; for his ranſom was fixed at no leſs than ten thouſand marks; but ſome of his knights, or men at arms, who were priſoners with him, were to be likewiſe ſet free on payment thereof. See the Record in Rymer's Fœdera, tom. i. p. 446, 447. ſub ann. 1207.

Benedict, Abbot of Peterborough, relates, that, in the year 1177, the Abbeſs of Ameſbury, being convicted of having three children after ſhe had taken the habit, was degraded and turned out of the convent; but that the king, *to ſave her from periſhing by hunger and want*, promiſed to give her *ten marks a year*. "*Et ne predicta Abbatiſſa* "*degradata fame et inopia periret*, rex ſpopondit ei "ſe daturum illi ſingulis annis *decem marcas argenti*; "et permiſit eam abire quo vellet." (Benedict. Abbas ſub ann. 1177.) Computing therefore the value of this ſum as before, her penſion was equivalent to one of a hundred pounds ſterling in the preſent times; an income very ſufficient to maintain her with decency in a retired way of living, ſuch as was proper for a woman in her ſituation.

Ralph Flambard, biſhop of Durham, having been impriſoned by the orders of Henry the Firſt, in the Tower of London, was allowed by that king for the expence of his table there two ſhillings a day: *Quotidie ad victum ſuum duos ſterilenſium ſolidos juſſu regis habebat*. V. Orderic. Vital. l. x. p. 786. ſub ann. 1101. But there being the weight of three of our preſent ſhillings in one Norman ſhilling, this allowance amounts to ſix of our ſhillings a day: and then, if we eſtimate the value of ſilver at five times more than the preſent, this ſum will be equivalent to thirty ſhillings a day, allowed in theſe times; a very ſufficient proviſion for the table of a ſtate priſoner, even of the higheſt rank.

The

The ſcutage levied in England by Henry the Second for the war of Toulouſe, was 180000 l. (as we are informed by Gervaſe of Canterbury, a contemporary hiſtorian :) "Hoc anno (1159) rex "Henricus ſcutagium de Anglia accepit, cujus "ſumma fuit centum millia, et quater viginti millia "librarum argenti." If therefore each of theſe pounds weighed three of ours, as Sir Robert Atkyns and others ſuppoſe, this ſum will amount to five hundred and forty thouſand pounds of our money at preſent; as much as one can imagine to have been raiſed by a compoſition, paid only by thoſe of the military tenants who did perſonally attend the king to Toulouſe : our preſent land-tax, at four ſhillings in the pound upon the whole kingdom, producing under two millions, and the beforementioned ſum being equivalent to two millions ſeven hundred thouſand pounds, if we compute the value of ſilver at five times more than the preſent. Gerv. Chron, ſub ann. 1159.

I have obſerved before, that, in the reign of Henry the Third, the value of ſilver was probably greater, from there being leſs of it in England than in the times of which I write. Saliſbury cathedral in that reign is ſaid to have coſt 42000 marks. Theſe Mr. Folkes, in his Table of the ſtandard of our ſilver money, computes to have contained as much ſilver as 81368 l. of our preſent money; which computation is ſomewhat lower than that I have followed. But admitting it to be right, this ſum multiplied, as the other ſums abovementioned, only by five, will make the expence of this building equivalent to 406840 l. laid out in theſe days.

The portion bequeathed to Earl John, by king Henry the Second, was ſome lands in England, which produced four thouſand pounds per annum, and the earl- V. Benedict. Abb. ſub ann. 1189.

earldom of Mortagne, with all its appurtenances. Four thouſand pounds containing then the ſame weight of ſilver as twelve thouſand now, the lands in England were worth to him, by the above computation, as much as an eſtate of ſixty thouſand pounds a year would be in theſe days. The earldom of Mortagne muſt likewiſe have produced a conſiderable revenue. For it appears, by one of Becket's letters, that Henry the Second agreed, by treaty, to pay the earl of Boulogne an annual penſion of 1000 l. ſterling, in lieu of his claim to that earldom, and to ſome leſſer fiefs, which had been granted to the houſe of Boulogne in this iſland.

V. Epiſt. S. Tho. 44. l. i.

Upon the whole, it appears from the ſeveral paſſages above-cited, and from others which I have obſerved in hiſtory or records, that, from the death of Edward the Confeſſor to that of Henry the Second, the ordinary value of ſilver, compared with the preſent, could not be much above or below this computation.

As to the weight of ſilver in the old money pound, if any of my readers ſhall think it worth while to reduce the calculations according to the proportion Mr. Folkes has laid down, it may be eaſily done; and, by putting the value of ſilver ſomewhat higher, the amount will, upon the whole, be nearly the ſame.

See Folkes of Engliſh gold coins, p. 1. Idem, of Engliſh ſilver coins, p. 11.

It muſt be obſerved, that, before the 18th year of Edward the Third, it does not appear, that ever any gold was coined in England (except perhaps a few pieces in the kingdom of Northumberland, by the Saxons) or any ſilver, but pennies, half-pence, and farthings; all the other denominations being only imaginary, as a pound ſterling is now. We find indeed, that gold and ſilver *Biſants* were ſometimes received in payments here; but theſe were a foreign coin, and brought from the Eaſt, where they

V. Madox Hiſt. of the Exchequer, p. 189 c. 9. See Pegge's Diſſertat.

they ſeem to have been as common as *Sequins* are now. Frequent mention is made of them by all the hiſtorians of the Cruſades; but they are rarely ſpoken of by ours. Neither are they named in Domeſday book, nor in the publick Acts of Henry the Firſt or Stephen, nor in the laſt will of king Henry the Second. But ſome mention is made of them in private deeds and leaſes, and alſo in the Exchequer Rolls under Henry the Second. The ſilver Biſant, in the twelfth century, was rated at two ſhillings Engliſh; but the value of the gold one, at that time, is doubtful.

Kennet's Paroch. Antiq. p. 109. Dugdale's Warwickſh. p. 421.

Ibid. *His being maſter of this, and the reſpect they paid to his father's appointment, ſo recommended him to the Normans ſettled in England, that the chief lords very haſtily concurred in his coronation, performed by Lanfranc at Weſtminſter, on the twenty ſeventh of September, in the year one thouſand and eighty ſeven.*

This ſeems to have been done without much deliberation, and not in a full parliament, there not having been time for ſuch an aſſembly to meet, after the death of William the Firſt was known in England, and before his ſon was crowned. But, as we are told that a great council was held by the latter at Chriſtmas, I preſume a more general acknowledgement of his right was there obtained, and homage done to him by all the vaſſals of the crown, who had not done it before.

P. 81. *Soon after which, as executor of the will of his father, he gave a bountiful alms to every church in the kingdom, and to the poor in each county*, &c.

According to Ingulphus, a contemporary author, he diſtributed to each of the greater churches ten marks, to each of the leſſer in towns and cities five marks,

marks, to each of the country pariſh churches five ſhillings, and to the poor in every county a hundred pounds. " Diſtribuitque juxta ultimam volun-
" tatem patris ſui majoribus eccleſiis totius Angliæ
" x marcas, minoribus v, ſingulis vero villanis ec-
" cleſiis v ſolidos. Et tranſmiſit per unumquem-
" que comitatum c libras diſtribuendas pauperibus
" pro anima patris ſui." (V. Ingulph. p. 106. ſub ann. 1087.) This altogether makes a great ſum of money. The executing his father's will in ſo extenſive a charity would do great honor to the piety of William Rufus, if there was not cauſe to ſuſpect that he did it with a political view, to gain the affection of the clergy and people, which, at that time, he ſtood in great need of. And as he had no title to the crown, but the will of his father, it was the more neceſſary for him to perform that will in every part.

P. 83. *In this extremity the king had no reſource but the Engliſh*, &c.

This is expreſly affirmed by moſt of the hiſtorians who lived neareſt the times, viz. the author of the Saxon chronicle, Florence of Worceſter, William of Malmſbury, Simeon of Durham, Henry of Huntington, and Ordericus Vitalis. The words of the firſt are theſe, " Quum rex intellexiſſet om-
" nia hæc, et qualem proditionem exercerent in
" ſuos, fuit animo vehementer ſollicito. Tunc
" accerſivit *Anglos*, et iis expoſuit ſuas anguſtias,
" rogavitque eos auxilium, pollicitus iis meliores
" leges quam unquam fuerunt in hac terrâ; omnia
" item injuſta tributa abrogavit, conceſſitque ſub-
" ditis ſuas ſylvas et venatus; verum hoc haud diu
" manſit. *Angli* nihilominus auxilio adfuerunt regi
" ipſorum domino." And afterwards, " Quum
" rex intellexiſſet eam rem, eo condidit cum exer-
" citu

" citu quem apud ſe habuit, et mittens *per totam* " *Anglorum terram*, juſſit unumquemque qui non " eſſet homo nequam, venire ad ſe, Francos, *An-* " *gloſque*, de oppidis ac de villis. Tunc ad eum " collectæ ſunt magnæ copiæ, *&c.*"

Florence of Worceſter writes thus: " Congrega- " to quantum potuit ad præſens Normannorum, " *ſed tamen maxime Anglorum*, equeſtri ac pedeſtri " exercitu, tendere diſpoſuit Roveceſtriam."

William of Malmſbury ſays, " Ille videns Nor- " mannos pœne omnes in unâ rabie conſpiratos, *An-* " *glos*, *probos et fortes viros*, *qui adhuc reſidui erat*, " invitatoriis ſcriptis arceſſit, quibus ſuper injuriis " ſuis querimoniam faciens, bonaſque leges, et tri- " butorum levamen, liberaſque venationes polli- " cens, fidelitati ſuæ obligavit." And afterwards, " *Anglos* ſuos appellat, jubet ut compatriotas advo- " cent ad obſidionem venire, niſi ſi qui velint ſub " nomine Nibeninz, quod nequam ſonat, remanere. " *Angli*, *qui nihil miſerius putant quam hujuſce voca-* " *buli dedecore aduri*, *catervatim ad regem confluunt*, " *et invincibilem exercitum faciunt.*"

Theſe are the words of Simeon of Durham: " Hoc audito rex fecit convocari *Anglos*, et oſten- " dit eis traditionem Normannorum, et rogavit ut " ſibi auxilio eſſent, eo tenore, ut ſi in hac neceſ- " ſitate ſibi fideles exiſterent, meliorem legem quam " vellent eligere eis concederet, et omnem injuſtum " ſcottum interdixit, et conceſſit omnibus ſylvas " ſuas, et venationem. Sed quicquid promiſit, " parvo tempore tenuit. *Angli* tamen fidelitur " eum juvabant."

Henry of Huntington ſays, " Rex autem, con- " gregato *Anglorum* populo, reddidit venatus et ne- " mora, legeſque promiſit exoptabiles."

Ordericus Vitalis expreſſes himſelf thus upon the ſame ſubject: " Lanfrancum itaque Archiepiſco-

" pum,

" pum, cum ſuffraganeis præſulibus, et comites,
" *Angloſque naturales* convocavit, et conatus adver-
" ſariorum, ac velle ſuum expugnandi eos indica-
" vit." And afterwards, " *Anglorum vero triginta*
" *millia tum ad ſervitium regis ſponte ſua concurre-*
" *runt*, regemque, ut perfidos proditores abſque
" reſpectu puniret, admonuerunt, dicentes, Viriliter
" age, ut regis filius; et legitimè ad regnum aſ-
" ſumptus, ſecurus in hoc regno dominare omni-
" bus. Nonne vides quot tecum ſumus, tibique
" gratanter paremus?" He further adds, as a part of their harangue to the king, *Solerter Anglorum rimare hiſtorias, invenieſque ſemper fidos principibus ſuis Angligenas*; and then goes on thus, " Rex igitur
" Rufus *indigenarum* hortatu promptior ſurrexit, et,
" congregato exercitu magno, contra rebelles pug-
" naturus proceſſit."

From all theſe teſtimonies it is clear beyond contradiction, that William Rufus owed his crown to the arms of the Engliſh.

See Brady, vol. i. p. 233.

Dr. Brady, to get over the force of this evidence, has recourſe to the moſt abſurd of all ſuppoſitions, viz. that the Engliſh here mentioned were not Engliſh, but Normans who lived in England; whereas the Normans who took up arms in favor of Robert, were ſuch as had eſtates in England, but lived in Normandy: or elſe (as he ſays in another place) that thoſe called Engliſh were the Normans who came in with the Conqueror. But this is quite overturning all uſe of words, nor does it bear any appearance or colour of truth: for our hiſtorians inform us, that more of the Normans who came in with the Conqueror, and of thoſe who lived in England upon the eſtates they had in this kingdom, were againſt William Rufus, than with him upon this occaſion. And how is it poſſible, that either the one or the other ſhould be called

Angli-

Angligenas, et *Anglos naturales et indigenas?* How could William of Malmſbury ſay, that they were afraid of being called by a Saxon name of reproach? or Ordericus Vitalis make them deſire the king to look into hiſtory, and ſee that the Engliſh had always been faithful to their kings? To read the paſſages is anſwer enough to ſuch wild conceits, into which nothing but paſſion for the ſupport of a ſyſtem could have betrayed a man of Dr. Brady's learning and parts. Yet, though it muſt be acknowledged that theſe were natural Engliſh or Saxons, it is certain from Domeſday book, that, when that ſurvey was made, almoſt all the *baronies*, and great military fiefs of the crown were poſſeſſed by Normans and French.

Ingulphus, who was contemporary with William the Firſt writes of him thus, "*Comitatus* et *baronias*, "epiſcopatus et prælatias, totius terræ, ſuis Nor- "mannis rex diſtribuit, *et vix aliquem Anglicum ad* "*honoris ſtatum, vel alicujus dominii principatum* "*aſcendere permiſit.*" The reaſon of which is given by Eadmerus, another writer who lived at the ſame time, "Uſus atque leges, quas patres ſui et ipſe in "Normanniâ habere ſolebant, in Angliâ ſervare "volens de hujuſmodi perſonis epiſcopos, abbates, "et alios principes per totam terram inſtituit, de "quibus indignum judicaretur, ſi per omnia ſuis "legibus, poſtpoſitâ omni aliâ conſideratione non "obedirent, et ſi ullus eorum pro quavis terreni "honoris potentiâ caput contra eum levare auderet, "ſcientibus cunctis unde, qui, ad quid, ſaſumpti "fuerint." Ingulph.edit. Gale, ad ann. 1066.

Henry of Huntington ſays, that, in the twenty-firſt year of this king, "*Vix aliquis princeps* de "progenie Anglorum erat in Angliâ;" and Malmſbury affirms, that, at the time when he wrote, "Anglia facta eſt exterorum habitatio, et alienige-

"narum

" narum dominatio. Nullus hodie Anglus vel *dux*, " vel *pontifex*, vel *abbas*." Theſe Engliſh then who aſſiſted William Rufus, muſt have been for the moſt part of a lower degree, inferior tenants in chief, or ſuch as held their eſtates in vaſſalage to the Normans; but that vaſſalage was a free ſervice, and no worſe than what was due from thoſe Normans themſelves, who were military tenants, or even tenants in free ſocage, to the barons. And therefore, when it is ſaid by Henry of Huntington, and by ſome other old writers, that all the Engliſh were reduced *ad ſervitutem*, they can only mean it in contradiſtinction to their former enjoyment of *allodial* eſtates, not to imply, that they were made *ſlaves*. I have ſhewn in a former note, that the word *ſervitutem* was uſed in this ſenſe. It appears indeed, from the words of Florence of Worceſter cited above, that many of the thirty thouſand who fought on the ſide of William Rufus were *foot*. And ſo were thoſe Engliſh who afterwards ſupported the cauſe of King Henry the Firſt againſt Duke Robert, as William of Malmſbury informs us: " Nam licet, *principi-*
V. Malmſb. l. v. f. 58. b. lin. 5. " *bus* deficientibus, partes ejus ſolidæ manebant, " quas Anſelmi archiepiſcopi, cum coëpiſcopis, ſuis " ſimul et *omnium Anglorum* tutabatur favor. Qua- " propter ipſe *provincialium* fidei gratus, et ſaluti " providus, plerumque *cuneos* circuiens docebat, " quomodo *militum* ferociam eludentes *clypeos ob-* " *jectarent*, et ictus remitterent: quo effecit, ut ul- " tronei votis pugnam depoſcerent, in nullo *Nor-* " *mannos* metuentes." The word *militum* here is uſed inſtead of *equitum*, to ſignify *horſemen*. The word *cuneos* ſhews that they fought in *cloſe bodies*, and their *clypei* muſt have been ſtrong to reſiſt the lances of the cavalry whom they were to engage. They were not therefore mere archers, but foot completely armed. We likewiſe find, that William Rufus,

Rufus, in one of his wars againſt Robert in Normandy, ſent over to England for twenty thouſand Engliſh *infantry*. Henry of Huntington ſays, "Fecit interim rex *ſummoneri* 20,000 *peditum Anglicorum*, ut venirent in Normanniam." The words *fecit ſummoneri* imply, that theſe Engliſh were obliged, by their tenures, to ſerve abroad, and therefore held by knight's ſervice. Simeon of Durham, another contemporary hiſtorian, uſes theſe words: "Quod cum regi innotuit, nunciis in Angliam miſſis, 20,000 *pedonum* in Normanniam ſibi *juſſit in auxilium mitti*." It muſt be obſerved that the Engliſh, till long after theſe times, were more accuſtomed to fight on foot than on horſeback.

H. Huntingt. l. vii. f. 214. lin. 8.

P. 86. *It was principally owing to the authority of Lanfranc ſupported by Rome, that ſo ſtrange a tenet was now eſtabliſhed both in England and France.*

It ſeems difficult, at firſt ſight, to account for the zeal of the ſee of Rome in advancing and propagating a doctrine ſo full of abſurdity, as that of *tranſubſtantiation*. What uſe, it may be ſaid, could there be in underſtanding a figurative expreſſion (with which manner of ſpeaking the Scripture ſo much abounds) according to the letter, which makes it nonſenſe; when that nonſenſe does not appear to be productive either of power or profit to the church? The ſupremacy and infallibility of the biſhops of Rome; the doctrine of purgatory, maſſes, and prayers for the dead; the worſhip of ſaints and images; the celibacy of the clergy; the merit of monaſtick vows; the neceſſity of confeſſion to, and abſolution by a prieſt, for the remiſſion of ſins; the power of the pope to grant indulgences, and apply to the benefit of other men the works of ſupererogation done by ſaints, and therefore belonging

to the treaſury of the church; all theſe opinions have a clear and evident tendency to raiſe and ſupport the dominion and wealth of the Roman ſee and the clergy: whereas the multiplied contradictions and impoſſibilities, contained in the notion of tranſubſtantiation, ſeem to ſerve to no purpoſe, but to expoſe the Chriſtian faith to the ridicule and contempt of the Jews and Mahometans, or other unbelievers. Nevertheleſs, the ſolution of this difficulty may be found in the words of Pope Paſchall the Second, cited in another part of this book, viz. "That it was a moſt execrable thing, that thoſe "hands, which had received ſuch eminent power, "above what had been granted to the angels themſelves, as, by their miniſtry to create God the "creator of all, and offer up the ſame God, before the face of God the Father, for the redemption and ſalvation of the whole world, ſhould "deſcend to ſuch ignominy, as to be put, in ſign "of ſubjection, in the hands of princes, &c."

The ſame words were alſo uſed by Pope Urban the Second at the council of Bari. And certainly nothing could ſo raiſe the idea of the prieſthood, or produce ſuch veneration for them, in the minds of the people, as their being ſuppoſed to poſſeſs this *more than angelical power*.

P. 89. *On the other hand, ſuch a deſtruction had William the Conqueror made of the Engliſh nobility, that there remained no chief of that nation who had any authority with his countrymen, &c.*

The laſt Engliſh chief of any note, who appears to have experienced the clemency of William, and to have enjoyed, by his permiſſion, an eſtate in this kingdom, was Hereward, the ſon of Leofric, lord of Brunne in Norfolk. This gentleman had in his youth been ſo very wild and unruly, and had done

done ſo much miſchief in his neighbourhood, that Edward the Confeſſor, at the complaint and requeſt of his father himſelf, had baniſhed him out of England. While he was abroad, he ſignalized himſelf by ſuch exploits of valour, and acquired ſuch renown, though he had not yet received the order of knighthood, that his family and countrymen much deſired his return. But during his abſence, William the Conqueror, either conſidering him as a baniſhed man, or becauſe he was not preſent to pay homage for his lands on the death of his father, gave them to one of the Normans: which he greatly reſenting, and being alſo provoked at ſome ill uſage of his mother in her widowed ſtate, came over to England, and, gathering about him a band of his relations and friends, revenged his mother upon thoſe who had injured her, and recovered his eſtate by force of arms. After which he was knighted by his uncle Brand, abbot of Peterburgh.

Vid. Ingulph. Gale's Edit. Rer. Angl. Scrip. Veter. t. i. p. 67, 71.

In the year 1071, he was invited to take the command of all the Engliſh who had fortified themſelves in the iſle of Ely, where he did ſuch heroick acts, that Ingulphus tells us, *they were ſung in the ſtreets at the time when he wrote.* One of theſe, which is recorded by Peter de Blois, the continuator of Ingulphus (p. 124, 125.) deſerves a particular notice here. That author tell us, that Ivo de Taillebois, who had a ſuperſtitious belief in the power of witchcraft, perſuaded his maſter, William the Conqueror, to put a certain pretended ſorcereſs at the head of his troops in one of the attacks he made on the iſle of Ely, aſſuring him, that the enemy would not be able to reſiſt her incantations and charms. But the vanity of this opinion was ſoon manifeſted to all. For the witch being carried at the top of a moveable tower, which rolled upon wheels, over a bridge, which the king's ſol-

P. 68.

diers had laid acroſs the fens, was preſently killed; and the ſoldiers and workmen advancing further, Hereward made a ſally upon their flank, and firing the reeds that grew about the fens, burnt or ſuffocated them, and reduced to aſhes the body of the ſorcereſs, with the bridge and all the works. When the iſle was taken by the king, he alone, of all the nobility there, would not deign to capitulate, or yield himſelf a priſoner, but forced his way out, with ſome of his followers, and got off. He afterwards took the Norman abbot of Peterburgh, who had ſucceeded to his uncle, and many other gentlemen with him, for whoſe ranſom he obtained three thouſand marks. William, who always loved and reſpected any man of extraordinary courage, granted him a pardon for all theſe offences, with a full reſtitution of his paternal inheritance; and we are told by Ingulphus, that he concluded his life in peace. In what year this pardon was granted I find no good evidence, nor when he died; but it was probably before the death of William, as no mention is made of him under any of the ſucceſſors of that king.

P. 89. *The extravagant bounties of William Rufus, who gave his army all he could tear out of the bowels of his people, not only endeared him to the ſoldiery here, but drew to his ſervice great numbers of the moſt valiant men from all parts of Europe, who were a continual ſupply of new force, by which he was enabled to intimidate thoſe of his national troops, who were at any time diſpleaſed with his conduct.*

The words of Abbot Suger, in his life of Lewis le Gros, concerning this prince are very remarkable: "Ille opulentus, et Anglorum theſaurorum "profuſor, *mirabilis militum mercator et ſolidator.*"

P. 94.

P. 94. *The character of this monarch cannot better be ſhewn than by one fact, which is related from the mouth of his own ſon, King David the Firſt, to King Henry the Second his great grandſon, by Ethelred, Abbot of Rivaux.*

There is in Ælian's *Various Hiſtory* an action aſcribed to Darius Hyſtaſpes, which ſo nearly reſembles this, that I ſhould have ſuppoſed the Abbot of Rivaux had taken it from thence, and given the honor of it to Malcolm, king of Scotland, had it not been for this conſideration, that Ælian was an author hardly known in that age. Few or none indeed in this iſland could then underſtand a Greek book in the original language; and no tranſlation was made of the work in which this paſſage occurs till the year 1548; nor do I find in the writers of the twelfth century any other trace of its having been read by them among the few claſſicks with which they were acquainted. It may therefore be ſuppoſed, that Darius and Malcolm really acted in a like manner: as other inſtances can be given, where, without imitation, the ſame magnanimous ſentiments in different men have produced the ſame actions. The words of the Abbot of Rivaux are theſe, in a treatiſe addreſſed to Henry Plantagenet, then duke of Normandy: "Cujus ſane cordis fuit "rex iſte Malcolmus; unum ejus opus, *quod nobili* "*rege David referente cognovi*, legentibus declara-"bit." And then he relates the ſtory here told, with many particulars that are not to be found in Ælian's account of Darius Hyſtaſpes, though the general caſt and ſubſtance of the action is much the ſame.

V. Præf. Jac. Perizonii, Editio Gronovii.

V. Ethelred. Abb. Rieval. de Genealog. Reg. Ang. p. 367.

P. 122. *But his brother Robert going into it with ardor, and wanting more money, to enable him to*

bear ſo great an expence, than his own exhauſted exchequer could ſupply, William agreed to furniſh him with ten thouſand marks, equivalent to a hundred thouſand pounds in theſe days, by the help of a tax, or benevolence, illegally raiſed upon his Engliſh ſubjects, &c.

It ſeems extraordinary, that the difficulty of raiſing this ſum, ſhould have been ſo great as is repreſented by the writers of thoſe times. It muſt have ariſen, partly from the enormity of the king's former exactions, which had much impoveriſhed the kingdom; and, partly, from the depopulation cauſed by the wars and cruelty of his father; as it is much harder to raiſe taxes from a few than from many. This appears to have been raiſed by way of *benevolence*; for theſe are the words of Simeon of Durham, and Florence of Worceſter, "Poſt hæc comes Nor-
" mannorum Robertus, cum Hieruſalem proficiſci
" cum aliis animo proponeret, nuntiis in Angliam
" miſſis, germanum ſuum Gulielmum petiit, ut
" inter ſe pace redintegratâ illi decies mille marcas
" argenti præſtaret, et ab eo Normanniam in vadi-
" monium acciperet. Qui mox petitioni ejus ſa-
" tisfacere geſtiens, *indixit majoribus Angliæ, ut*
" *quiſque illorum pro poſſe ſibi pecuniam feſtinanter*
" *accommodaret.* Idcirco epiſcopi, abbates, abba-
" tiſſæ, aurea et argentea eccleſiæ ornamenta frege-
" runt; comites, barones, vicecomites, ſuos milites
" et villanos ſpoliaverunt, *et regi non modicam ſum-*
" *mam auri et argenti detulerunt.*" From theſe laſt words I conjecture, that the ſum raiſed by the benevolence was more than ſufficed to anſwer the demand of Robert. And, as it is certain that the king had then other occaſions for money, we may well ſuppoſe he did not limit himſelf to that exact ſum, but took all he could get. It appears from the words above-cited, that the nobles diſcharged them-

themſelves in a great meaſure of the load of this impoſition, by laying it on the vaſſals, who could but ill bear it; and the prelates, by ſelling the ornaments of their churches, which perhaps they might do, not only to eaſe themſelves, but to throw a greater odium on the king, whom they hated; as if he forced them to a ſacrilege. But that prince might the better ſtand it, becauſe the loan to Duke Robert, which was the principal reaſon aſſigned for exacting this benevolence, was to enable him to go to the *Holy war*, in which caſe the pope allowed the church to be taxed, and even to apply to that ſervice what was given to other pious uſes. Yet the outcry in England was great againſt it, as we may judge by the words of William of Malmſbury on this occaſion, *Capſas ſanctorum nudaverunt, crucifixos deſpoliaverunt, calices conflarunt, non in uſum pauperum, ſed in fiſcum regium: quicquid enim pene ſancta ſervavit avorum parcitas, illorum graſſatorum abſumſit aviditas.* V. Malmſb. de Will. II. l. iv. f. 70.

One may wonder that Robert ſhould mortgage the dutchy of Normandy for ten thouſand marks; but he had loſt a great part of it before to William Rufus, and had reaſon to believe, that, while he was in the Eaſt, that king would take the reſt. He therefore thought it moſt prudent to give him poſſeſſion of the whole in conſideration of this loan, which he could not eaſily obtain in any other manner, thinking that he might redeem it, if he came back, and that, if he died in the Eaſt, it would be a means of preventing any troubles in the dutchy, which his brother was heir to, at his death, not only by birthright, but by a particular treaty and compact between them. It is however certain, that William Rufus had a good bargain, and availed himſelf of the impatience and indiſcretion of Robert in this affair, as in many others.

P. 127, 128. *By the face of our Lord (replied the king with a ſmile) thou ſhalt henceforth be my ſoldier*, &c.

The words in the original are, *per vultum de Luca*, which, it ſeems, was the uſual oath of this king, and which modern writers have tranſlated, as if he ſwore by the face of St. Luke the Evangeliſt. But there is at Lucca in Tuſcany an ancient figure of Chriſt, brought thither miraculouſly (as they pretend) and which, they ſay, continues ſtill to work miracles. They call it *il ſanto volto de Luca*, and are ſo proud of poſſeſſing it, that it is ſtampt on their coin with this legend, SANCTVS VVLTVS DE LVCA. Eadmerus, relating an anſwer that William Rufus made to the biſhop of Rocheſter, tells us he uſed theſe very words, "Scias, o epiſcope, quod *per*
L. i. p. 30, 31. "*ſanctum vultum de Luca*, &c." In another place he relates a ſpeech of that prince, in which he ſwore *per vultum Dei*. We muſt therefore underſtand *per vultum de Luca*, to be an oath by the face of Chriſt, denominated from the repreſentation of it at Lucca, as the Virgin Mary is called *our Lady of Loretto*, from the image of her preſerved and worſhipped there.

P. 141. *To give that liberty a more ſolid and laſting eſtabliſhment, they demanded a charter, which Henry granted ſoon after his coronation, as he had ſworn to do before he was crowned.*

Some eminent writers of theſe times have ſuppoſed, that the Normans concurred with the Engliſh in demanding of Henry the Firſt the entire reſtoration of the Saxon conſtitution: And this opinion is founded upon a paſſage in Matthew Paris, which requires a particular conſideration. The words are theſe: "Quod Henricus fratrum ultimus et juvenis

"ſa-

" ſapientiſſimus, cum callide cognoviſſet, convocato " Londoniæ clero Angliæ et populo univerſo, " promiſit emendationem legum, quibus oppreſſa " fuerat Anglia tempore patris ſui, et fratris nuper " defuncti, ut animos omnium in ſui promotionem " accenderet et amorem, et ut illum in regem " ſuſciperent et patronum. *Ad hæc clero reſpondente* " *et magnatibus cunctis, quod, ſi, animo volente, ipſis* " *vellet concedere et charta ſua communire illas liber-* " *tates, et conſuetudines antiquas, quæ floruerunt in* " *regno tempore ſancti regis Edwardi*, in ipſum con- " ſentirent, et in regem unanimiter conſecrarent. " *Henrico autem hoc libenter annuente, et ſe id factu-* " *rum cum juramento affirmante*, conſecratus eſt in " regem, &c." But it would have been very unaccountable, if the Norman barons had aſked, or Henry had willingly conſented to grant the abolition of feudal tenures; as theſe expreſſions may at firſt ſight appear to import. To overturn the great policy upon which the Norman government ſtood at that time, was neither expedient for him, nor for them. No ſuch thing is affirmed by any one of the many contemporary hiſtorians. William of Malmſbury only ſays, " Edicto per Angliam miſſo " *injuſtitias à fratre et Ranulpho inſtitutas prohibuit.*" According to Henry of Huntington, he promiſed no more than *a deſirable amendment of the laws and cuſtoms:* " Sacratus eſt *melioratione legum et conſuetu-* " *dinum optabili repromiſſa.*" Nor is any intimation given by this writer, that more was demanded. The Saxon Chronicle ſays the ſame thing a little more ſtrongly: " Deo et omni populo promiſit " *ſe omnia injuſta abrogaturum, quæ fratris temporibus* " *obtinuerunt, et optimas leges ſtabiliturum, quæ in* " *cujuſvis regis diebus ante ipſum viguerunt.*" And all this is conformable to the charter he gave, which beſt explains his intentions, and the deſires of

his parliament. We muſt therefore underſtand Matthew Paris in the ſame ſenſe, viz. that nothing further was aſked of Henry the Firſt, or promiſed by him, to the nation, after the death of his brother, than a confirmation by charter of the laws of Edward the Confeſſor, *with ſuch alterations as his father had made in them, with conſent of his parliament*, and ſome *mitigation*, but by no means an *abrogation* of the Norman feudal tenures. And thus it is plain that Matthew Paris himſelf underſtood it; for he gives us the charter of that king without any complaint of its being leſs compleat than what was deſired, or than what he had promiſed to grant. On the contrary, he mentions it with great ſatisfaction. *Hac libertates ſubſcriptas, in regno, ad exaltationem ſanctæ eccleſiæ, et pacem populi tuendam, conceſſit.* And Simeon of Durham, whoſe words are tranſcribed by Hoveden, ſpeaks of it in the ſame manner, without any intimation of a larger demand: "Sanctam eccleſiam, quæ fratris ſui tempore ven-
"dita, et ad firmam erat poſita, liberam fecit, ac
"omnes malas conſuetudines, et injuſtas exactiones,
"quibus regnum Angliæ injuſtè opprimebatur,
"abſtulit, pacem firmam in toto regno ſuo poſuit,
"et teneri præcepit, *legem regis Edwardi omnibus in*
"*commune reddidit cum illis emendationibus, quibus*
"*pater ſuus illam emendavit.*" Theſe laſt words which are tranſcribed from the charter itſelf, ſhew what was meant by Henry of Huntington in the abovementioned expreſſion, *melioratione legum et conſuetudinum optabili repromiſſa.* The word *repromiſſa* implies, that ſuch a promiſe had been made to them before. And ſo it was by William the Firſt. For he had confirmed the laws of Edward the Confeſſor, with amendments made by his parliament, *ad utilitatem Anglorum*, as one of his ſtatutes declares: "Hoc quoque præcipimus, ut omnes
"ha-

" habeant et teneant leges Edwardi regis in omnibus " rebus, *adauctis his quas conſtituimus ad utilitatem* " *Anglorum.*" (V. Wilkins Leges Gul. Conqueſt. l. lxiii.) But the laws, thus amended, not having been well obſerved, either by him, or William Rufus, a *charter* was required of Henry the Firſt. And it muſt be obſerved, that Matthew Paris, though an hiſtorian of good credit when he relates the tranſactions of his own times, is very inaccurate in thoſe of an earlier date; that part of his hiſtory, which contains the period I treat of, and which is copied from Roger de Wendover, being only a careleſs and ill-digeſted abridgment of the more ancient writers.

P. 142. *To uſe the words of one of our greateſt antiquaries, Sir H. Spelman,* " *It was the original of King* " *John's Magna, containing moſt of the articles of it,* " *either particularly expreſſed, or in general, under* " *the confirmation it gives to the laws of Edward* " *the Confeſſor.*

Matthew Paris tells us, that, in the year 1215, P. 253. the barons came in arms to King John at London, and demanded of him that certain liberties and laws of King Edward, with other liberties granted to them, and to the kingdom and church of England, ſhould be confirmed, *as they were contained and ſet down in the charter of King Henry the Firſt, and in the laws abovementioned.* " Venienteſque ad regem " ibi ſupradicti magnates, in laſcivo ſatis apparatu " militari, petierunt quaſdam libertates et leges " regis Edwardi ſibi et regno Angliæ et eccleſiæ " Anglicanæ conceſſis, confirmari, *prout in charta* " *regis Henrici primi et legibus prædictis aſcriptæ* " *continentur.*" And the ſame hiſtorian, when he mentions the *capitula*, or rough draught of the great charter, delivered to John by the barons, ſays, that

that the articles thereof *were partly written before, in the charter of King Henry the Firſt, and partly taken out of the ancient laws of King Edward.* " Capitula " quoque legum et libertatum, quæ ibi magnates " confirmari quærebant, *partim in charta regis Hen-* " *rici ſuperius ſcripta ſunt, partimque ex legibus regis* " *Edwardi antiquis excerpta.*" Theſe paſſages, and what he ſays before, p. 252 and 253. of the barons having ſworn, at St. Edmond's-bury, to make war on the king, till he ſhould confirm to them, by a charter under his ſeal, the laws and liberties granted in the charter of King Henry the Firſt, ſufficiently ſhew, that they underſtood and intended this charter to be the original and foundation of that which they demanded and obtained from John. Yet no mention is made thereof, either in the *capitulations* which they delivered to him, or in the great charter itſelf. To account for this, I think we may reaſonably ſuppoſe, that finding ſome articles of Henry's charter, ſince the laſt confirmation of it at the beginning of the reign of King Henry the Second, altered by law (as we may well preſume from what Glanville delivers *as law* about the latter end of that reign;) they thought it more adviſeable to draw out particular articles, both from that charter and from the laws of Edward the Confeſſor confirmed therein, with the addition of ſome new proviſions founded upon the ſame principles and conſonant thereto, than to confirm it in general. This may alſo have been the reaſon why it was not confirmed at the acceſſion either of Richard or John, as it had been by their father; and why, at the time when the latter was abſolved from his excommunication, in the year 1213, he was required to ſwear, that he would confirm, not this charter, but *the good laws of his anceſtors, and eſpecially thoſe of Edward the Confeſſor.* " In hac autem abſolu-

" tione

" tione juravit rex, *tactis ſacroſanctis evangeliis*, " quod ſanctam eccleſiam ejuſque ordinata dili- " geret, defenderet, et manuteneret, contra omnes " adverſarios ſuos pro poſſe ſuo: *quodque bonas leges* " *anteceſſorum ſuorum et præcipue leges regis Edwardi* " *revocaret*, &c." Indeed we may ſuppoſe with good reaſon, that whatever deviations from the charter of Henry the Firſt are not complained of, or marked out as abuſes to be remedied, in the *capitulations of the barons*, or in ſome of the articles of Magna Charta, granted by King John, had received a legal ſanction in ſome part of the reigns of Henry the Second or Richard the Firſt; and ſome few of them even in the reign of Henry the Firſt himſelf, particularly with regard to the terms and incidents of feudal tenures. But there is a paſſage in the abovementioned author, Matthew Paris, relating to the charter of Henry the Firſt, which requires obſervation. Speaking of a convention or ſynod held in London under Stephen Langton, archbiſhop of Canterbury, in the year 1213, he ſays, " In hoc colloquio *(ut fama refert)* " archiepiſcopus memoratus, convocatis ſeorſum P. 240, 241. " quibuſdam regni proceribus, cœpit affari eos " *ſecretius* in hunc modum. Audiſtis, inquit, quo- " modo ipſe apud Wintoniam regem abſolvi, et " ipſum jurare compulerim, quod *leges iniquas* " *deſtrueret*, *et leges bonas*, *videlicet leges Edwardi* " *revocaret*, et in regno faceret ab omnibus obſervari. " *Inventa eſt quoque nunc charta quædam Henrici* " *primi*, *regis Angliæ*, *per quam*, *ſi volueritis*, *liber-* " *tates diu amiſſas poteritis ad ſtatum priſtinum re-* " *vocare. Et proferens chartam quandam in medium*, " *fecit eam*, *audientibns cunctis*, *in hunc modum re-* " *citari*, *cujus tenor erat talis.*" He then gives the charter, and, after the recital of it, goes on in theſe words:

words: "*Cum autem hæc charta perlecta, et baronibus audientibus intellecta fuiſſet, gaviſi ſunt gaudio magno valde*, et juraverunt omnes in præſentia archiepiſcopi ſæpedicti, quod, viſo tempore congruo, pro his libertatibus, ſi neceſſe fuerit, decertabunt uſque ad mortem."

Nothing can be more improbable than this account. It imports that the charter of King Henry was then a *novelty* to the barons, and that they expreſſed a ſurprize of joy at hearing a copy of it read, which the archbiſhop told them was *juſt found*. Whereas we learn from the ſame hiſtorian, that, after the charter was given, the king ordered as many tranſcripts thereof to be made, as there were counties in England, and to be laid up, as records, in the abbeys of every county. *Factæ ſunt tot chartæ quot ſunt comitatus in Anglia, et, rege jubente, poſitæ in abbatiis ſingulorum comitatuum ad monumentum.* The firſt charter of Stephen *confirms the liberties and good laws, which his uncle King Henry gave and granted, and all good laws and good cuſtoms, which the nation had enjoyed in the time of Edward the Confeſſor*, words which evidently refer to the charter. It was alſo confirmed more expreſly by King Henry the Second. How is it poſſible then that in the reign of his ſon it ſhould be ſo difficult to produce a ſingle tranſcript of it, and that even the remembrance of what it contained ſhould be ſo totally loſt among the principal nobles? The ſtrong objections to ſo ſtrange a ſtory did not eſcape the penetration of the learned and judicious Dr. Blackſtone. In his accurate edition of the charters, he takes notice of the great improbability of it; and further obſerves, that it is mentioned by no other contemporary hiſtorian; but that, on the contrary, all of them aſſign quite different reaſons for the con-

P. 56. ſub ann. 1100.

P. 4, 5, 6, 7, 8, 9.

confederacy of the barons. I will add to his remarks, that the credit of this ſtory is ſtill more weakened, by its being only delivered *upon common fame, (ut fama refert)* though it is ſaid to have paſt *in ſecret.* "Convocatis *ſeorſum* quibuſdam regni "proceribus cœpit affari eos *ſecretius* in hunc "modum." How can one ſuppoſe, that the particular words of a ſpeech *made in ſecret* could be accurately reported by *common fame?* And yet all depends on the expreſſions, *inventa eſt quoque nunc charta quædam Henrici primi, regis Angliæ, per quam, ſi volueritis, libertates diu amiſſas poteritis ad priſtinum ſtatum revocare.* And afterwards, *cum autem hæc charta perlecta et baronibus audientibus intellecta fuiſſet, gaviſi ſunt gaudio valde magno.*

That the archbiſhop ſhould produce to the barons a tranſcript of the charter, as a proper foundation for their confederacy, and for the demands, or claim of rights, they were to make to the king, I think very probable. But that there could be any difficulty in finding ſuch a tranſcript, or that it ſhould be regarded by them as a novelty, appears to me quite incredible.

How far Matthew Paris, or rather Roger de Wendover (from whom the former has tranſcribed this part of his hiſtory) is from being exact in his account of theſe affairs, we need no better evidence, than the copy he gives us of the charter of King John, which is eſſentially different from the originals in the Britiſh Muſeum and at Saliſbury, and from the entry in the Red Book of the Exchequer. No hypotheſis therefore can reaſonably be built on this paſſage in that writer; though ſome have been induced to infer from it, that the charter of Henry the Firſt became obſolete almoſt as ſoon as it was given, and was ſo totally neglected, as to be in a manner forgotten.

See Blackſtone's Introduction, p. 21.

P. 143.

P. 143. *But no laws or privileges can make a people free, if the adminiſtration and ſpirit of government be not in general ſuitable to them. The conduct of Henry correſponded entirely with his engagements.*

That this was true at the beginning of his reign will not be diſputed; that, in ſome inſtances afterwards, he did not act quite agreeably to an equitable and candid conſtruction of law, or to the ſpirit of a free government, I make no doubt: yet, that *in general* his government was good and legal, and that his people enjoyed the benefit of the charter he had granted, and of the laws and privileges therein confirmed, even to the end of his life, the following paſſages, from contemporary hiſtorians, I think will evince. Richard prior of Hexham, in giving his character ſays, "Bonas quoque leges et conſuetudines regis Edwardi, prædeceſſoris ac cognati ſui reſtauravit, et prout ei videbatur ſuâ ſapientiâ et auctoritate emendatas et corroboratas, in regno ſuo *rigide et conſtanter tam à divitibus quam à pauperibus obſervari fecit.*" And afterwards, "Poſt quem non ſurrexit princeps alius qui ſic injuſtas regni exactiones interdiceret, omnes ſibi ſubjectos in pace et modeſtiâ ſapientiæ diſponeret, *&c.*" which laſt words are alſo found in a hiſtory written by another prior of the ſame convent. Indeed the wiſdom of this king muſt have made him very cautious of violating a charter, the grant of which was the condition of his being raiſed to the throne, in preference to his elder brother Robert. Even after the captivity of that unfortunate prince, his ſon became ſoon a formidable pretender to the crown of England; and Henry had reaſon to fear, that, if he ſhould loſe the affection of his people, or excite any high degree of diſcontent in the nation, it

V. Richard. Haguſt. Hiſt. in Decem Scriptoribus.

V. Joh. Hag. ibidem, f. 258.

it would deprive him of his beſt ſecurity againſt the title of his nephew. In theſe circumſtances his charter was the bulwark of his government, and it cannot be ſuppoſed that a prince, whoſe characteriſtical quality was prudence, would himſelf deſtroy that bulwark. Nor is it conceivable, that, if their liberties had been materially injured, the nation would have been quiet under his government, as we know that they were, during above thirty years, and have given him continued marks of an unabated affection to the very end of his life. This fact, which is undeniable, affords a ſtronger proof of his having governed according to law, and agreeably to his charter, than even the teſtimonies of the moſt impartial contemporary hiſtorians. And there is good reaſon to believe, that even in his time ſome of the liberties granted in his charter might be limited by ſtatutes, which are now loſt; ſo that acts done by him againſt thoſe liberties, in certain particulars, might not be *illegal*.

Ibid. *He took off all the burthens that had been illegally impoſed on the ſubjects*, &c.

William of Malmſbury adds, "That he reſtored, "*in his court*, the uſe of lamps in the night, which "had been intermitted in the time of his brother." "Lucernarum uſum noctibus *in curia* reſtituit, qui "fuerat tempore fratris intermiſſus." And this is the ſingle paſſage in any hiſtorian before Polydore Vergil, which ſeems to allude to the *curfew* or *couvrefeu*, ſuppoſed, by that author, to have been introduced by an ordinance of William the Firſt, and mentioned by ſome later writers, as a mark of the ſlavery, in which he held the conquered Engliſh. But it is plain from theſe words, that William of Malmſbury thought it was introduced by William Rufus, and extended to the whole court, that is,

W. Malmſb. de Henr. I. l. v. f. 88. lin. 20.

to the Norman nobles, as well as to the Engliſh, and conſequently was no proof of the ſervitude of the latter. Monſieur Voltaire ſays, "That the law, "far from being tyrannical, was only an antient "*police*, eſtabliſhed in almoſt all the towns of the "North, and which had been long preſerved in the "convents." He adds this reaſon for it, "that the "houſes were all built of wood, and the fear of fire "was one of the moſt important objects of general "*police*."

Vid. Hiſtoire Univerſ. t. i. p. 240.

From the expreſſion of William of Malmſbury cited above, one ſhould think, that, in England, it had only been practiſed in the king's court, or was taken off *only there* by Henry the Firſt. And the foregoing words, *effœminatos curia propellens*, which introduce the whole ſentence, and have a connexion with it, appear to imply, that ſome unnatural crimes had been committed in the court, under the cover of the darkneſs; on which account the uſe of lamps was *there* reſtored by that prince. Upon the whole, as Polydore Vergil is too modern a writer to be of any authority, and all the ancient hiſtorians are ſilent about it, I think there is great reaſon to doubt, whether the law, or regulation he mentions, was made by William the Firſt, or was ever ſo general as he repreſents it. The *curfew bell* may have been only rung in the convents, and probably took its name from an old practice there, of putting out their fire and candles at eight a clock every night. In the *Leges Burgorum* of David the Firſt, king of Scotland, mention is made of it as marking the time when the watch ſhould go out. The law is worth tranſcribing:

V. Leg. Burg. per Dav. reg. Scotiæ, c. 86.

"De omni domo in qua aliquis habitat, unus "tenetur propter metum periculi vigilare, qui cum "baculo oſtiatim circuibit; et erit de ætate virili. "Qui etiam cum duabus armaturis exibit, *quando* "*pul-*

" *pulſatur ignitegium (coverfeu.)* Et ſic vigilabit " cautè et ſollicitè uſque ad diei auroram." As therefore the practice of it was in Scotland, no leſs than in England, it could be no badge of a *conqueſt*, nor any evidence of a nation's being *enſlaved*.

P. 152. *After much diſpute, &c. he was compelled to give up inveſtitures; and the pope ſubmitted to allow him homage from his biſhops and abbots.*

I can in no wiſe agree with Rapin Thoyras, that it was a reaſonable thing for King Henry the Firſt to give up to the Pope the *inveſtitures* of the clergy, retaining the *homage*, and that this agreement was of no prejudice at all to the crown. For the *ſpiritual character* was conferred by *conſecration*, not by *inveſtiture*, which only conferred the *temporalities*; and when the crown parted with theſe, it gave up an authority *proper to itſelf*, and no wiſe of a *ſpiritual nature*. There was much more reaſon in the agreement made by the emperor Henry the Fifth with pope Calixtus the Second, in the year 1122, by which he was allowed to retain the right of inveſtitures; but they were to be conferred by a *ſceptre*, not by a *ſtaff* and a *ring*; which change of the ceremony was of no real prejudice to the royal authority, and took off any appearance of interfering with the peculiar rights of the church.

V. Rapin Hiſt. d'Angleterre, t. ii. p. 171.

P. 152. *He did not enough conſider how much the deſign of detaching the clergy from any dependance upon their own ſovereign, and from all ties to their country, was promoted by forcing them to a life of celibacy; but concurred with the ſee of Rome and with Anſelm, it's miniſter, in impoſing that yoke upon the Engliſh church, which till then had always refuſed it.*

An attempt had been made in the Saxon times to force the canons of cathedral churches, and collegiate ſocieties to celibacy; but with regard to the parochial clergy nothing further had been attempted, than in the way of advice. About the beginning of the eleventh century, Ælfrick, archbiſhop of Canterbury, who was particularly zealous for it, preached a ſermon on the *expediency* of the clergy's living unmarried, in which are theſe words, *Non cogimus violenter vos dimittere uxores veſtras, ſed dicimus vobis qualiter eſſe debetis.* "We do not "compel you by force to put away your wives, "but inform you in what manner it behoves you "to act." He adds, *Ego vobis, clerici, mihi ſubditis dico inſtituta ſanctorum canonum,* &c. *ſed vobis hoc mirum et incredibile videtur, quia habetis veſtram miſeriam in tam frequenti uſu, ut non exiſtimetis eſſe peccatum, ſi preſbyter, aut diaconus, aut clericus vivat cum uxore ſicut laicus; dicitis quoque quod Petrus apoſtolus habuit uxorem et filios.* "I tell you, who "are the clergy of my dioceſe, the injunctions of "the holy canons, *&c.* but this ſeems *wonderful* "and *incredible* to you, becauſe frequent uſe has "made your *miſery* ſo familiar to you, *that you* "*think it no ſin, if a prieſt, or deacon, or clerk,* "*lives with a wife like a layman: you alſo ſay, that* "*the apoſtle Peter had a wife and children.*" The Engliſh clergy retained theſe ſentiments, together with their wives, till after the conqueſt. In the year 1076, the council of Wincheſter aſſembled under Lanfranc, decreed, "that no canon ſhould "have a wife; that ſuch prieſts as live in caſtles "or villages be not forced to put away their wives, "if they have them; but ſuch as have not, are "forbidden to have any. And for the future, let "biſhops take care to ordain no man prieſt or "deacon, unleſs he firſt profeſs that he hath no "wife."

V. Sermon. Alfrici ad clericos MS. Bennet Coll. Cant. f. 186. Innys's Hiſt. of the Engliſh church, p. 356. c. 21.

V. Concil. Brit. v. ii. p. 11. art. 1.

" wife." This was a great advance towards impoſing for the future an obligation of celibacy on all the clergy. But Anſelm went further. In the year 1102, he held a council at Weſtminſter, by which it was decreed, " that no archdeacon, prieſt, " deacon, or canon, marry a wife, or *retain her*, " *if he be married.* That every *ſubdeacon* be under " the ſame law, though he be not a canon, if he " hath married a wife after he had made profeſſion " of chaſtity." And William of Malmſbury tells us, that Anſelm deſired of the king, that the chief men of the kingdom might be preſent in this council, to the end that the decrees of it might be enforced by the joint conſent and care of both the clergy and laity; to which Henry aſſented. His words are theſe, " Anno dominicæ incarnationis " milleſimo centeſimo ſecundo, quarto autem præ- " ſulatus Paſchalis ſummi pontificis, tertio regni " regis glorioſi Henrici Anglorum, *ipſo annuente*, " communi conſenſu epiſcoporum, et abbatum, *et* " *principum totius regni*, adunatum eſt concilium in " eccleſiâ beati Petri in occidentali parte juxta " Londonium ſitâ, in quod præſedit Anſelmus " Dorobernenſis, *&c.* *Huic conventui interfuerunt*, " *Anſelmo archiepiſcopo petente a rege, primates regni*, " *quatenus quicquid ejuſdem concilii authoritate decer-* " *neretur utriuſque ordinis concordi cura et ſollicitudine* " *ratum ſervaretur.*" Thus the king and the whole realm gave their ſanction to theſe canons! yet it appears that all the clergy of the province of York remonſtrated againſt them; and as thoſe who were married refuſed to part with their wives, ſo the unmarried refuſed to make profeſſion, that they would continue in a ſtate of celibacy; nor were the clergy of the province of Canterbury much more obedient. Anſelm therefore, in the year 1108, held a new council at London, in the preſence of the king and

V. Spelm. Concil. v. ii. p. 23. art. 4.

V. Malmſb. de Geſt. Pont. Anglor.

V. Concil. Brit. v. ii. p. 22.

Eadm. p. 77. n. 40.

his barons, purely on this affair. By this aſſembly ſtill ſeverer canons were made to enforce the celibacy of the clergy. Thoſe who had kept or taken women ſince the former prohibition, and had ſaid maſs, were enjoined to diſmiſs them ſo entirely, as not to be knowingly with them in any houſe. If any eccleſiaſtick was accuſed by two or three lawful witneſſes, or by the publick report of the pariſhioners, of having tranſgreſſed this ſtatute, he was, if a prieſt, to purge himſelf by ſix witneſſes; if a deacon, by four; if a ſubdeacon, by two: otherwiſe to be deemed a tranſgreſſor. Such prieſts, archdeacons, or canons, as refuſed to part with their women, were to be deprived of their offices and benefices, and put out of the choir, being firſt pronounced infamous. It is even ordained by the laſt canon, "that the biſhops ſhall take away all "the moveable goods of ſuch prieſts, deacons, "ſubdeacons, and canons, as ſhall offend herein "for the future, and alſo their *adulterous concubines* "(meaning their wives) with their goods." But all theſe rigorous conſtitutions had ſo little effect, that, after Anſelm's death, in the year 1125, the cardinal legate, John de Crema, being ſuffered to preſide in a council held at Weſtminſter, thought it neceſſary to enforce them by the papal authority. It is remarkable that this cardinal, ſpeaking to that aſſembly concerning the wives of the clergy, uſed this expreſſion, *that it was the higheſt degree of wickedneſs to riſe from the ſide of a harlot, to make the body of Chriſt.* And we are aſſured by the perſon who relates theſe words, namely Henry archdeacon of Huntington, a contemporary writer, that this very man, *after having that day made the body of Chriſt, was caught at night with a real harlot.* He adds, that a fact ſo publick and notorious could not be denied, and ought not to be con-

Spelm. Concil. v. ii. p. 29.

V. H. Hunt. Hiſt. l. vii. f. 219.

concealed; *(Res apertiſſima negari non potuit, celari non decuit)* and that the ſhame of this adventure drove the legate out of England. I ſee no grounds to deny the truth of this evidence, which is ſupported and confirmed by Hoveden and Brompton, writers of the ſame century, from any of the objections brought againſt it by Baronius, and ſome later writers. But ſuppoſing the ſtory falſe; it is unqueſtionably true, that the canons paſt by this council had a natural tendency to produce ſuch diſorders, and even worſe, in the clergy; a ſenſe of which ſtill prevented a general obedience being paid to them: and therefore we find, that, in the year 1129, William Corboyl archbiſhop of Canterbury, and then legate of the pope, obtained the king's leave to hold at London another council, to which all the clergy of England were ſummoned, and by the authority of which all thoſe who had wives were required to put them away before the next feaſt of St. Andrew under pain of deprivation. But experience having ſhewn, that ſuch decrees were ineffectual to force the obſervance of a reſtraint ſo repugnant to the law of nature and the liberty of the goſpel, the primate and council thought proper to grant the king a power of executing their canons, and doing juſtice on thoſe who ſhould offend againſt them; which Henry of Huntington ſays had a moſt ſhameful concluſion: for the king received from the married clergymen a vaſt ſum of money, and let them redeem themſelves from the obedience exacted by the council: which account is alſo confirmed by Hoveden and Brompton. The Saxon chronicle ſays, that the conſtitutions of this ſynod had no effect: for all the clergy retained their wives with the permiſſion of the king, as they had done before: but no notice is taken there of their having bought this

Chron. Sax. ſub ann. 1129. Huntington, l. vii. f. 220.

V. Chron. Sax. ſub ann. 1129. p. 234.

permiſſion. It is worthy of obſervation, that, whereas by one of the canons of the council held at Weſtminſter, under archbiſhop Anſelm, in the year 1102, it had been decreed, *that the ſons of prieſts ſhould not be heirs to the churches of their fathers*, Pope Paſchall ordered that ſuch of them as were perſons of good characters ſhould be continued in their benefices, and in a letter to Anſelm gave this reaſon for the favor he ſhewed them, viz. *that the greateſt and beſt part of the clergy in England were the ſons of the clergy.*

V. Eadmer. l. iv. p 91.

But in Stephen's reign, the power of the papacy acquiring more ſtrength, the celibacy of the clergy was generally eſtabliſhed in England.

P. 154. *And not only gave his greedy courtiers and paraſites all they aſked, but allowed them to take, both from himſelf and his people, whatſoever they pleaſed.*

Some authors ſay he ſuffered his domeſticks to ſteal his very cloaths. William of Malmſbury tells us, that he anſwered all ſuitors to him according to their wiſhes, for fear of ſending them away diſſatisfied; even promiſing what it was not in his power to give. And he obſerves that this facility, inſtead of procuring him the love of the Normans, excited their contempt. When complaints were made to him, by the commons, of the oppreſſions they ſuffered from the nobles, he ſhewed great anger at firſt; but the ſmalleſt preſent appeaſed him, or a little time wore out all memory of the offence in his mind. The ſame hiſtorian concludes his character, by ſaying, that he was eloquent in his own tongue, agreeable in converſation, and able to give excellent counſel to others; inferior to none in the art of war, but, for want of ſtrength and firm-

D. H. I. l. v. f. 86. ſect. 40.

firmneſs of mind, always eſteemed unfit to govern a ſtate.

P. 155. *Following therefore the dictates of his ambition, and colouring them with zeal for the good of the Normans, eſpecially of the church, he fought a battle at Tinchbraye; in which he defeated the duke, took him priſoner*, &c.

Before this battle Henry had taken Bayeux by ſtorm, and Caen by the voluntary ſubmiſſion of the citizens. There is ſome confuſion and inconſiſtency in the deſcription given of the battle by contemporary writers. The cleareſt account I am able to draw from them is this: Robert was ſuperior in numbers to Henry, but inferior in cavalry and men at arms; moſt of his army being light-armed infantry. His van was commanded by William earl of Morteuil, his center by himſelf, and his rear by Robert de Beleſme. The king ſeems to have formed his army into four bodies, of which only one, commanded by Helie earl of la Fleſche, and compoſed of the troops of Bretagne and Maine, was cavalry; the reſt of his men at arms, particularly the Engliſh and Normans, whom he commanded in perſon, being ordered to diſmount and fight on foot. His van was led by Ranulph of Bayeux; his center by himſelf and Robert earl of Mellent; his rear by William of Warren. The cavalry under the conduct of the earl of la Fleſche was poſted at a proper diſtance from the other diviſions, to ſupport or ſtrengthen any of them as there ſhould be occaſion. Robert is ſaid to have ordered all his cavalry to diſmount. The action was begun by his van attacking that of the enemy; and, while they were engaged, he himſelf, with the men at arms in his center, who had ſerved under him in the Holy war, charged the king with ſuch

V. Ord. Vit. l. ii. p. 818. ſub ann. 1106. V. Ord. Vit. ut ſup. 820, 821. Hunting. l. vii. 217.

ſuch fury, that they made his diviſion give ground; as did likewiſe the van of the Engliſh army, about the ſame time: but the earl of la Fleſche obſerving this, inſtantly fell with his cavalry upon the flank of the duke's diviſion; and Robert de Beleſme, who commanded that prince's rear, not coming up to ſupport him, but flying out of the field, his troops were quickly broken, and he himſelf taken priſoner; as was alſo the earl of Morteuil; the battle having been entirely won by the charge, made with ſo much valour, and in ſo critical a moment, by the earl of la Fleſche. It ſeems a great fault in the duke to have left himſelf no cavalry to oppoſe that body under the earl.

P. 810. We are told by Ordericus Vitalis, that, juſt before the battle, Henry offered his brother one half of Normandy, and an equivalent for the other half, to be paid to him annually out of his Engliſh treaſury; but on condition that he himſelf ſhould retain all the fortreſſes, and the ſole right of judicature, with a guardianſhip over the whole: which the duke, by the advice of his council, refuſed with indignation.

P. 156. *Henry made his impriſonment as eaſy to him as poſſible, furniſhing him with an elegant table, and buffoons to divert him; pleaſures which, for ſome years he had preferred to all the duties of ſovereign power.*

V. Malmſb. de Henr. I. l. iv. f. 87. The words of William of Malmſbury are theſe: *Captus et ad diem mortis in libera tentus cuſtodia, laudabili fratris pietate, quod nihil præter ſolitudinem paſſus ſit mali, ſi ſolitudo dici poteſt, ubi et cuſtodum diligentia, et jocorum præterea et obſoniorum non deerat frequentia.*

This abſolutely contradicts the ſtory told by Matthew Paris, of Robert's eyes having been put out

out by the command of his brother, while he was in confinement. Nor is it mentioned by any of the contemporary authors.

Henry of Huntington, in one of his works, which is written with great freedom, and wherein he ſeems diſpoſed to ſay all the ill he can of King Henry, and to ſet forth the ſufferings of his brother in the ſtrongeſt lights, does not mention this circumſtance, but only his confinement. Treating of the kings in thoſe times, he ſays: "Nemo in regno "eorum par eis miſeriis, par ſceleribus. Unde "dicitur, Regia res ſcelus eſt. Rex Henricus fra- "trem ſuum et dominum Robertum *in carcerem* "*perhennem poſuit, et uſque dum moriretur detinuit.*" And immediately afterwards he mentions Henry's cruelty, in cauſing the eyes of his grand-daughters to be put out, without telling the reaſon of it, as he ought to have done: *Neptium ſuarum oculos erui fecit.* We may therefore conclude, that, if the ſame cruelty had been practiſed againſt Duke Robert, he would have taken notice of it at the ſame time. But if it be objected, that this book was written before the death of King Henry, and that this barbarity might be concealed while he was alive; I anſwer, that none of thoſe who wrote under Stephen, or Henry the Second, ſay any thing of it. Brompton's Chronicle, which is carried down to the death of Richard the Firſt, in drawing the character of Henry the Firſt, ſays, *he was charged with cruelty*, and gives theſe inſtances of it: "Secundo, "Robertum fratrem ſuum *in carcere mori permiſit*, "et conſulem de Moretoyil, cognatum ſuum, *in* "*captione poſitum crudeliter excoculavit*; nec ſciri tam "horrendum facinus potuit, *quouſque regis aperuit* "*mors ſecreta*: Et alia fecit etiam facinora quæ "tacemus." Now, if the king's death, which (as we are told by this author) diſcovered the ſecret of his

V.H.Huntin. Epiſt. ad Walter. de mundi contemptu, in Anglia ſacra, t. ii. p. 699.

his having put out the eyes of his priſoner, the earl of Morteuil, had alſo diſcovered, that his brother had been treated by him in the ſame manner, it would naturally have been taken notice of in this place, where mention is made of Robert's dying in priſon.

P. 196. *Many of the principal nobles of France were made priſoners; and Louis himſelf, with great difficulty, eſcaped the ſame fate,* &c.

See Ord. Vit. p. 854, 855. lib. xii.

Ordericus Vitalis, in his account of this action, differs from other hiſtorians who wrote in that age. From what he ſays one ſhould believe, that Louis le Gros was not in the battle, but ſaw it at a diſtance, and fled even before his main body was broken. This does not agree with the character of that king, who was remarkably brave; and, as this author himſelf tells us, that he was *unhorſed*, it is probable he was in the action, and did not turn his back till his whole army was routed, upon the Engliſh infantry coming up. Thus the affair is related by the Engliſh hiſtorians, and their narrative is confirmed by the ſhort account which Abbot Suger has given of this battle, in his Life of Louis le Gros, which being of the greateſt authority, I have adhered to it, as far as it goes.

P. 197. *The greateſt difficulty of the treaty conſiſted in this, that Henry had diſputed the nature of the homages which the dukes of Normandy owed to the French crown, and had very publickly declared, that he never would pay it in the manner required, though both his father and William Rufus had ſubmitted to it without any apparent reluctance.*

It is not very clear upon what this diſpute was founded. Some writers have ſuppoſed that Henry's re-

refuſal aroſe from no other cauſe, than an apprehenſion that he ſhould debaſe the dignity of his perſon, as king of England, by doing homage as duke of Normandy. But his father and brother were kings of England, as well as he, and had not the ſame ſcruple. Lord Hale obſerves, in his Hiſtory of the Pleas of the Crown, p. 74. "that the "king of England had a double capacity, one as "an abſolute prince that owed no ſubjection to "the crown of France, nor to any other king or "ſtate in the world; and in this capacity he nei-"ther did nor could do homage to the king of "France. He had another capacity, as duke of "Aquitaine; and in that he owed a *feudal*, but "not *perſonal* ſubjection to the king of France: "and in this latter capacity only, and as a different "perſon from himſelf as king of England, he did "the homage." This diſtinction made by his lordſhip is applicable to our kings, as dukes of Normandy, no leſs than as dukes of Aquitaine: but he adds, "that the homage they did in the "latter capacity was not *lige* homage, but a bare "*feudal* homage; which I the rather mention (ſays "he) to rectify the miſtakes of thoſe that call it a "*lige* homage." If I may preſume to differ from ſo great authority, it was both *lige* homage and *feudal* homage. It was *lige* homage, becauſe it was done to the king of France as ſupreme lord of that realm, without any reſerve or exception; and it was *feudal* homage, becauſe it was done on account of a fief. But it was not done by the kings of England as *kings*; for *as ſuch* they certainly owed no allegiance to France; but as dukes of Normandy, or of Aquitaine, or earls of Anjou, &c. And the ſame diſtinction now holds between the king of England *as ſuch*, and as elector of Hanover. As king of England he cannot be a vaſſal of the emperor, but

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as a prince of the empire he is; and there are other examples of crowned heads that are feudatories, and do homage to foreign princes, with reſpect to their fiefs, without any prejudice to their ſovereignty, or to the dignity of their crowns. Nevertheleſs, it is poſſible that King Henry the Firſt might deny his homage to be *lige*, on the ſame grounds as Lord Hale proceeds in the paſſage above-cited. But I think he had a further reaſon. For we are told by Dudo dean of St. Quintin, and William de Iumieges, that Rollo, the firſt duke of Normandy, when he did homage for that dutchy to Charles the Simple, was with difficulty brought to put his hands between thoſe of the king, and abſolutely refuſed to kneel to him, or kiſs his feet, which laſt it ſeems was then part of the ceremony of homage. This might, perhaps, be the foundation of Henry's refuſal to do his homage to the king of France in the uſual form, as well as a delicacy with regard to his royal dignity; and he might make his ſon perform the ceremony, inſtead of himſelf, when he found that his plea from that precedent would not be admitted; both to ſecure more effectually the independence of his crown from any of theſe conſtructions, and to ſave his honor from ſuffering by a breach of the declarations he had publickly made.

P. 83. D. 84. H. See alſo Gemitic. c. 17.

P. 198. *The prince got into the long-boat, and might have been ſaved; as the weather was calm: but moved with the ſad cries of the counteſs of Perche, his natural ſiſter, imploring him to take her into the boat, he commanded it to be rowed back again to the ſhip; when ſo many leaped into it, that it immediately ſunk.*

In this account I have followed William of Malmſbury, who, being admitted to an intimacy with

with Robert earl of Gloceſter, was probably better informed of the circumſtances that attended the death of the brother of that earl, than other hiſtorians. But Ordericus Vitalis and Simeon of Durham take no notice of this particular, and ſpeak as if the ſhip had inſtantly ſunk after running on the rock. Ordericus adds ſome circumſtances, which it may not be improper to mention here. He ſays, that a Norman, named Fitz-Stephen, came to the king, and claimed a right of carrying him over in his veſſel, called *The white ſhip*; becauſe his father had carried over William the Conqueror, when he went againſt Harold. That the king ſaid, he had taken another ſhip for himſelf, but allowed him to carry the prince, his ſon. That this man, by whoſe careleſſneſs the ſhipwreck happened, roſe out of the water after he had ſunk, and recovering his ſenſes aſked the two perſons, who, by climbing up the maſt, had kept their heads above water, what was become of the prince. Being told that he was loſt and all who were with him, he ſaid, "*It would be a miſery for me to live*," and abandoning all care of himſelf was drowned.—There is ſome improbability in his holding this converſation, if he could not ſwim; and, if he could, how happened it that he ſunk at firſt? A contemporary author ſays, that in this ſhipwreck there periſhed eighteen ladies allied by blood or marriage to princes and kings. He likewiſe adds, that the king's treaſure, by which, I ſuppoſe he chiefly means his plate and royal jewels, and all that was in the ſhip, except the men and women, were got out of the wreck; but, though many divers were employed to ſearch for the bodies, a few only were found, being driven aſhore by the waves, after ſeveral days, and far from the place where the ſhip had ſtruck. Among theſe was the earl

earl of Cheſter, who was known by his cloaths. Mr. Carte ſays that the rock is called *La Catteraze.*

P. 200. *The prince had been always dutiful; and, if we may judge of his nature from the act of humanity which coſt him his life, or from what is ſaid of him by William of Malmſbury and Ordericus Vitalis, it was amiable and hopeful in all reſpects.*

Brompton, in his Chronicle, and Knighton after him, report of this prince, that he was ſo brutal and indiſcreet, as to ſay, that, *if ever he reigned over the Engliſh, he would make them draw the plow like oxen.* Brompton quotes for it William of Malmſbury; but no ſuch paſſage is to be found in his works; and it was very improbable, that he, who was born of an Engliſh princeſs, and bred up by a father, who, in words at leaſt, always careſſed them, ſhould declare ſuch an injurious contempt of that nation. No contemporary author ſays any thing of it; and, upon the whole, it deſerves no credit. H. of Huntington, and ſome others after him, accuſe the ſame prince, from common report, of having been guilty of an unnatural vice; but neither is this very credible, conſidering that when he died, he was but ſeventeen years old, and had been educated (as Malmſbury affirms) with great care. Perhaps Henry of Huntington's words ſhould be underſtood, rather of the young nobility who were with him, than of himſelf.

See Malmſb. f. 93. de H. I.
See Huntin. l. vii. f. 218. c. 10.

NOTES

NOTES

TO THE

FIRST BOOK

OF THE

Hiſtory of the Life of King HENRY the Second.

PAGE 233. *She reigned but a year, and Matthew of Weſtminſter ſays, She was expelled with diſdain by the Nobles, who would not fight under a woman.* BOOK I.

The words in the original are: "Anno Gratiæ "672. rex occidentalium Saxonum Kiniwalcus, "cum regnaſſet xxxi annis, defunctus eſt, *et reg-* "*navit pro eo uxor ejus Sexburga anno uno. Sed* "*indignantibus regni magnatibus expulſa eſt a regno,* "*nolentibus ſub ſexu fœmineo militare.*" The laſt words declare the reaſon why the nobles diſdained to ſubmit to her government, viz. becauſe they would not *fight*, or *make war*, *under a woman*. V. Chron. Saxon. p. 41. And that Matthew of Weſtminſter was not the inventor of this ſtory, but took it out of ſome Saxon chronicle, can hardly be doubted. That publiſhed by Dr. Gibſon (which is the only one we have) is more ſhort on this ſubject. "Hoc anno

BOOK I.

" deceſſit Cenwallus rex, *et Sexburga ejus uxor uno* " *anno regnum tenuit poſt eum.*" Theſe words do not inform us how it happened that Sexburga reigned only one year; yet they rather corroborate, than contradict Matthew of Weſtminſter's account, as they make no mention of her deceaſe, or voluntary abdication. But William of Malmſbury contradicts it. His words are theſe: " Kenwalchius poſt " xxxi annos moriens, regni arbitrium uxori Sexburgæ delegandum putavit; nec deerat mulieri " ſpiritus ad obeunda regni munia: ipſa novos exercitus moliri, veteres tenere in officio; ipſa ſubjectos clementer moderari, hoſtibus minaciter " inſumere, prorſus omnia facere, ut nihil præter " ſexum diſcerneres: veruntamen pluſquam animos fœmineos anhelantem *vita deſtituit vix annua* " *poteſtate perfunctam.*" From this account one would conclude, that ſhe loſt her ſovereignty only by a natural death. But this author may have avoided to publiſh a fact, which was ſo unfavorable to the cauſe of the empreſs Matilda, in a book which he dedicated to her brother, the earl of Gloceſter. Whereas Matthew of Weſtminſter, who publiſhed his hiſtory long after her death, when there was no queſtion about a female ſucceſſion, had no reaſons to diſguiſe the truth of this matter. I therefore have followed him, as a better authority than William of Malmſbury, with regard to this point; eſpecially as his account appears more conformable to the character of the Saxons and ſpirit of the times. Sexburga probably was (as William of Malmſbury has deſcribed her) of a maſculine character; on which account the king her huſband might think her not unqualified to ſucceed to his crown, and might give her his nomination: but yet the nobles might diſdain to ſubmit to her government, and expel her from the throne. Be this fact as

Malmſb. l. i. f. 6.

as it may, the precedent of a woman governing only one year, in one kingdom of the heptarchy, was not enough to eſtabliſh a right of female ſucceſſion in the whole realm of England. Not long after her deceaſe, Brithick, king of Weſſex, having been poiſoned by his wife, the Weſt-Saxons made a law, to prohibit the wives of all their future kings from taking the title of queen, or ſitting on thrones with their huſbands. It was further enacted, that, if any king of Weſſex ſhould diſpenſe with this law, he ſhould be, *ipſo facto*, deprived of his right to the crown. But, after the diſſolution of the heptarchy, this vindictive and ſingular ordinance was not obſerved, being thought by the nation, as well as by their princes, to ſavour of barbariſm, and to have proceeded from anger, not reaſon. Yet the temper of a people, among whom ſuch a law had any time been in force, cannot be ſuppoſed to have been eaſily reconcileable to the ſovereignty of a woman. In the reign of Edward the Elder, his ſiſter Elfleda governed the Mercians after the death of her huſband, and is called their *queen* by ſome writers. But that title did not belong to her with any propriety: for Mercia was not then a ſeparate kingdom, but a province of the crown of England; and Ethelred, huſband to Elfleda, was ſtyled *ſubregulus* Merciorum, which Selden affirms to be the ſame with *Ealdorman*, the Saxon word for an *Earl*. Certain it is that Elfleda held Mercia as a gift from King Alfred, not by right of ſucceſſion, nor by election. And therefore no argument can be drawn from this inſtance to prove, that, before the ſettlement made on the empreſs Matilda, the cuſtom of England admitted women to ſucceed to the crown. We can only diſcover from it, that the idea of an incapacity in women to govern was then wearing off; and that it was thought they might be truſted with the

government of a province, which prepared the way for their advancement to ſovereign power in later times.

P. 234. *Nor had the Normans any example of the ſovereignty among them being veſted in a woman, from the foundation of their dukedom in France, or in the kingdoms of Denmark and Norway, from whence they came*, &c.

This is undeniably true, as far back as we have any authentick account of thoſe kingdoms. Indeed, in the fabulous parts of their hiſtory, mention is made of one Heta, a *heroine*, who, about the year of our Lord 326, commanded an army of *Amazons*, and, by her proweſs, was raiſed to the throne of Denmark; but even ſhe is ſaid to have been *depoſed* by her ſubjects *on account of her ſex*, and becauſe ſhe refuſed to marry, and give them *a king*; which, though the whole ſtory be a fiction, ſufficiently ſhews the opinion of the writer, upon the national cuſtom and temper of the people.

P. 237. *In order to get over this difficulty, Stephen prevailed upon Hugh Bigot, earl of Norfolk, to ſwear before the archbiſhop of Canterbury, that Henry had, in his preſence, releaſed his ſubjects from thoſe oaths.*

See Gervaſe, ſub ann. 1135. p. 1340. Huntington, f. 224. l. viii. Hoveden, f. 277. par. I. Diceto Abb. Chron. p. 505.

I have taken the account I give of this oath from Gervaſe of Canterbury, who does not mention the name of the nobleman; but that is ſupplied by Henry of Huntington, Hoveden, and Diceto. Thoſe authors indeed go further, and tell us, that Hugh Bigot ſwore, Henry had *diſinherited his daughter, and bequeathed his kingdom to Stephen.* But we have an undoubted aſſurance, that Stephen himſelf did not pretend to any ſuch bequeſt: for he makes no mention of it, in the preamble to his charter, among

mong the titles he had to the crown; which are there ſet forth in full form, viz. his election by the clergy and people, his conſecration by the archbiſhop of Canterbury, and the confirmation of his right by the pope. He moſt certainly would have added his *nomination by Henry*, if there had been a colour for it. I think it therefore much more probable, that Hugh Bigot's oath was only ſuch as Gervaſe relates. And this is confirmed by the anonymous contemporary author of the hiſtory of that prince, entitled, Geſta Stephani regis. Partial as that writer was to him, he would not ſay more to help out his title, than what is mentioned by Gervaſe. His words are theſe, ſpeaking of Henry: "Utque patenter agnoſceremus, quod ei in vitâ, certâ de cauſâ, complacuit, poſt mortem ut fixum foret diſplicuiſſe, ſupremo eum agitante mortis periculo, cum et plurimi aſtarent, et veram ſuorum erratuum confeſſionem audirent, de jurejurando violenter baronibus ſuis injuncto apertiſſimè pœnituit." We may then take it for granted, that the teſtimony given by Hugh Bigot extended no further; and even this did not, I think, deſerve any credit. For there is no evidence in all our hiſtory of the leaſt *violence* uſed in that affair by King Henry: and the contrary teſtimony of William of Malmſbury, that he did, on his death-bed, *confirm* the ſucceſſion of his daughter and grandſon to all his dominions, is of great weight. Probability too is entirely on that ſide. It cannot be conceived, that ſo prudent a prince ſhould have ſo weakly defeated a ſettlement, he had taken ſuch pains to ſecure. Whatever quarrel he had with his ſon-in-law, he had none with his daughter, nor with prince Henry, her ſon. Gemiticenſis indeed ſays, that Matilda was a little out of humour, and diſpleaſed with her father, *aliquantulum commota*, becauſe he would

BOOK I.

See Geſt. Steph. Reg. p. 929.

See Gemitic. c. 24.

would not, at her requeſt, pardon one of his barons, whom he ſuſpected of plotting againſt him, in confederacy with her huſband; and that, on this account, ſhe left Normandy, and went into Anjou, juſt before his laſt illneſs. But this (admitting the truth of it) could not have incenſed him ſo much, as to make him diſinherit both her and his grandſon.

P. 243. *This he not only ratified by an extraordinary oath, which he took at his coronation; and by a general charter, confirming that of King Henry the Firſt and the laws of Edward the Confeſſor, but, ſome time afterwards, by another, given at Oxford, in which all the particulars of his oath were ſet down.*

Henry of Huntington, whoſe words are copied by Hoveden, writes thus: "Inde porrexit rex "Stephanus apud Oxinforde, ubi recordatus eſt et "confirmavit pacta, quæ Deo et populo et ſanctæ "eccleſiæ conceſſerat in die coronationis ſuæ, quæ "ſunt hæc: Primo vovit, quod, defunctis epiſcopis, nunquam retineret eccleſias in manu ſuâ, ſed "ſtatim electioni canonicæ conſentiens epiſcopis "eas inveſtiret. Secundo vovit, quod nullius "clerici vel laici ſylvas in manu ſuâ retineret, ſicut "rex Henricus fecerat, qui ſingulis annis implacitaverat eos, ſi vel venationem cepiſſent in ſilvis "propriis, vel ſi eas ad neceſſitates ſuas extirparent "vel diminuerent. Tertio vovit, quod Danegeldum (id eſt) duos ſolidos ad hidam, quos anteceſſores ſui accipere ſolebant ſingulis annis, in "æternum condonaret." The two firſt articles here ſet down, are not as they ſtand in the charter of Stephen, but are only a comment upon them, and not very accurate, as will appear by comparing them with the words of the charter. And there is not, in the charter, the leaſt mention made of the third

third article relating to Danegeld. Nor had that tax been fixed by Stephen's anceſtors, as the hiſtorian ſuppoſes, at two ſhillings for a hide of land, or paid every year, but differently aſſeſſed, and occaſionally levied, upon ſome alarm of an enemy's invading the kingdom. (See Madox's Hiſt. of the Exchequer.)

The clauſe in Stephen's charter, relating to foreſts, requires ſome obſervation: "Foreſtas, quas "Willielmus rex, avus meus, et Willielmus ſe"cundus, avunculus meus, inſtituerunt et tenue"runt, mihi reſervo. Cæteras omnes, quas Hen"ricus rex ſuperaddidit, eccleſiis et regno quietas "reddo et concedo." By this it appears, that Henry the Firſt had made ſome additions to the foreſts of the crown. And there is a clauſe to the ſame effect in the charta de foreſtis, obtained from King John. "Inprimis, omnes foreſtæ, quas rex "Henricus, *avus noſter*, (N. B. *avus* here means great-grandfather) "afforeſtavit, videantur per pro"bos et legales homines; et ſi boſcum aliquem "alium quam ſuum dominicum afforeſtaverit ad "damnum illius, cujus boſcus fuerit, ſtatim deaf"foreſtetur."

From the words of this clauſe we find, that king Henry the Firſt had enlarged his foreſts two ways, by taking into them ſome woods of his own royal demeſne, and by *afforeſting* ſome of thoſe of the gentry or clergy that bordered upon them. The firſt he might lawfully do, but the other was iniquitous, and contrary to the charter he had given himſelf. Yet it is probable, that he did not intend to encroach on his ſubjects, but was deceived by falſe accounts of the bounds of his foreſts, from the officers appointed over them; in conſequence of which he often proſecuted the owners of woods ſuppoſed to lie within the precincts of them, if they preſumed either

either to hunt in them, or cut them down. And in this ſenſe I underſtand Henry of Huntington's words; *Sicut rex Henricus fecerat, qui ſingulis annis implacitaverat eos, ſi vel venationem cepiſſent in ſylvis propriis, vel ſi eas ad neceſſitates ſuas extirparent, vel diminuerint.* It cannot be ſuppoſed that he claimed all the woods in the kingdom, or the ſole right of hunting, as Ordericus Vitalis pretends. (See Ord. Vital. l. xi. p. 823.) Had he done ſo, it would have been certainly demanded of Stephen, and afterwards of king John, not only to reſtore by their charters the woods belonging to their ſubjects, which had been injuriouſly added by him to his foreſts; but alſo to renounce the pretenſion he had ſet up to all the woods and game in the kingdom.

As for thoſe who had really woods *within* the king's foreſts, it is declared by the third article of the Charta de foreſtis, that they were not to grub up, diminiſh, or waſte them, without licence from him; though by the ſame article an amneſty is granted for all faults of that kind, from the firſt year of Henry I. to the ſecond of king John. I therefore ſuppoſe, that the words of Henry of Huntington, mentioned above, are not to be underſtood as relating to theſe, but only to the borderers; though they might ſeem to belong to both.

P. 257. *Which grant Stephen now confirmed, and added to it Carliſle*; &c.

As Carliſle was a royal city and the chief town of Cumberland, it may be thought that the grant of it included the county; but of this I find no clear proof. This province had long been inhabited by a remnant of the Britons, who, like the Welſh, their countrymen, called themſelves Cumri, or Kumbri, and maintained themſelves there againſt the Scots, the Picts, and the Saxons. Yet it ſeems that

See Camden, Cumberland. V. Chron. Sax. p. 72. ſub ann. 828.

that they were ſubdued by the latter under Egbert; but they afterwards recovered their liberty, and were governed by princes of their own, to whom they gave the title of Kings, till the year 945, when Edmond, the brother of Athelſtan, waſted their land, and granted it to Malcolm king of Scotland, *eâ conditione* (ſays the Saxon Chronicle) *ut ſibi eſſet commilito tum mari, tum terrâ.* Matthew of Weſtminſter ſays, "Cumbriam totam cunctis opibus "ſpoliavit, ac duobus filiis Dummaili, ejuſdem "provinciæ regis, oculorum luce privatis, *regnum "illud Malcolmo, Scotorum regi, de ſe tenendum con-"ceſſit, ut aquilonares Angliæ patres, terrâ marique, "ab hoſtium adventantium incurſione tueretur.*" "Whereupon (ſays Mr. Camden) the eldeſt ſons of "the kings of Scotland were for awhile, under the "Engliſh Saxons, and Danes both, called the "Præfects, or Deputy-rulers, of Cumberland." But, for ſome time before the conqueſt, it ſeems to have been under no regular government either of the Engliſh or Scotch. William the Conqueror gave it to Ranulph de Meſchines; and Dugdale mentions a record, which ſtyles him Earl of Cumberland. He began to rebuild Carliſle, which the Danes had deſtroyed, and is called, by Matthew of Weſtminſter, Earl of Carliſle. But afterwards William took that city to himſelf, and alſo retained in his own hands the earldom of Cumberland; inſtead of which he gave the earldom of Cheſter to Ranulph de Meſchines, who agreed to the exchange on condition, that thoſe he had enfeoffed with lands in Cumberland ſhould hold them in chief of the king. William Rufus completed the rebuilding of Carliſle, and it was raiſed by Henry the Firſt to an epiſcopal dignity; but it does not appear, that the kings or princes of Scotland laid any claim to that city, or to the earldom, from the reign of William

P. 115. ſub ann. 945.

P. 188. ſub ann. 496.

See Camden, Cumberland, p. 787.

See Baronage, p. 36. Earl of Cheſter.

Dugdale's Baron. p. 37.

See Camden, p. 779. Cumberland.

William the Firſt till that of Stephen. Richard and John of Hexham ſay, that Stephen gave Doncaſter alſo to Henry, prince of Scotland. But Henry of Huntington names only Carliſle. And it does not appear, that either the king or prince of Scotland had any pretenſion to Doncaſter. It was no part of earl Waltheoff's inheritance, nor of his wife's, as far as I can diſcover. It had never been held by any other Scotch king, nor was it conquered by David during this war; for he advanced no farther than to Durham. I have therefore followed Henry of Huntington, an author who lived in theſe times, rather than the two abovementioned hiſtorians, with regard to this point.

P. 260. *This alarm of a ſtorm gathering againſt him in Scotland brought back that prince, with no ſmall anxiety and diſturbance of mind*, &c.

Ord. Vital. l. xiii. p. 912.

There is another reaſon for Stephen's return aſſigned by Ordericus Vitalis. According to him a plot was formed, in the king's abſence, by many of the Engliſh, ſtrictly ſo called, to maſſacre all the Normans in England, upon a certain appointed day, as the Danes had been formerly maſſacred; and to deliver the kingdom to David, king of Scotland, who (as I before have obſerved) was nearer, in a lineal courſe of ſucceſſion, to the Saxon royal family, than Stephen's queen, or the empreſs. The ſame hiſtorian relates, that it was diſcovered, by ſome of the accomplices, to the biſhop of Ely, and by him to the reſt of the nobles; upon which (as he tells us) many of the conſpirators were convicted, and puniſhed by different kinds of death; others, concerned in it, fled out of the realm, *leaving their honors and riches behind*; but the moſt *powerful* took up arms, and entered into confederacy with the Scotch or the Welſh. From theſe words

words it is plain, if any regard is to be paid to this paſſage, that ſome of the Engliſh had *wealth*, and *honors*, and *power* at this time. But though Ordericus Vitalis was a contemporary writer, and of good credit in general; yet, as no other ancient author mentions this plot, I think the truth of it is much to be queſtioned; eſpecially as that author is not always ſo accurate in the account he gives of tranſactions in England, as in relating thoſe that happened in France or Normandy, where he reſided. It does not appear, even from the ſtory he tells, that the king of Scotland himſelf was privy to this deſign. Nor does it ſeem at all probable, that without any encouragement given by him, a general maſſacre of the Normans in England ſhould be then deſigned by the Engliſh, when, by intermarriages between the two nations continually made, even from the acceſſion of William the Conqueror, their blood was ſo mixed, and ſo many families in all parts of England were the offſpring of both. The city of London, where the greateſt ſtrength of the Engliſh then lay, was well-affected to Stephen, and continued to be ſo till his death. Upon the whole therefore I conjecture, that if any of them were executed for a conſpiracy, while the king was abroad, as Ordericus Vitalis relates, it was not for a general one againſt all the Normans, but for a more confined one, of private reſentment and revenge againſt ſome of thoſe, to whom he had confided the adminiſtration of government during his abſence, particularly in the Northern and Weſtern parts of the kingdom, where the conſpirators might be favored by the Scotch and the Welſh.

P. 270.

BOOK I. P. 270. *But Stephen ſuſpecting him of holding a treaſonable correſpondence with David, had, at his return out of Scotland, arreſted him in his own court, and, without any proof of his guilt or form of a trial, compelled him to ſurrender his caſtle of Bamburg.*

That theſe arbitrary impriſonments, without proceſs of law, were againſt the cuſtom of England, even in thoſe days; and that in this reſpect Magna Charta did no more than confirm the ancient law, will appear from the following paſſage in Ethelred, abbot of Rivaux, a contemporary hiſtorian: "Conjunxerat ſe ei (regi Scotiæ) ejuſque interfuit aciei Euſtacius filius Johannis, de magnis proceribus Angliæ, regi quondam Henrico familiariſſimus, vir ſummæ prudentiæ, et in ſecularibus negotiis magni conſilii, qui a rege Anglorum ideo receſſerat, quod ab eo in curiâ *contra patrium morem* captus, caſtra, quæ ei rex Henricus commiſerat, reddere compulſus eſt: ob quam cauſam offenſus, ut illatam ſibi ulciſceretur injuriam, ad hoſtes ejus ſeſe contulerat." According to other writers, inſtead of *caſtra quæ ei rex Henricus commiſerat*, it ſhould have been *caſtrum, quod, &c.* namely, the caſtle of Bamburg: but what I cite this paſſage for is to prove, that his impriſonment was *contra patrium morem*, and therefore conſidered as an offence and injury done to him, which even diſſolved his allegiance.

P. 302. *Swearing to the firſt, that he ſhould remain without food, till his nephew, the biſhop of Ely, ſurrendered the caſtle*, &c.

William of Malmſbury, and Gervaſe of Canterbury, ſay, that the biſhop of Saliſbury, having no other means to conquer the obſtinacy of the biſhop of Ely, and ſave his ſon's life, refuſed to take any nouriſh-

nouriſhment for three days together, by which he at laſt obliged his nephew to give up the caſtle: but the other contemporary authors affirm, with much more probability, that he did not inflict this abſtinence on himſelf by a voluntary act, but was compelled to it by Stephen, who alſo took the ſame method with the biſhop of Lincoln. BOOK I.

P. 317. *A ſecret application was therefore made to her by the earl of Gloceſter and Matilda, to receive them into that caſtle*, &c.

The Norman chronicle ſays, they were invited by her huſband; but as none of the other contemporary hiſtorians make any mention of him in this buſineſs, and he appears to have lived in peace and friendſhip with Stephen for ſome time afterwards, I rather ſuppoſe, that he was abſent, and had no participation of the intrigue.

APPENDIX

APPENDIX

TO THE

FIRST BOOK.

N° I.

Account of the Fleet which came over with the Conqueror, from an ancient MS. in the Muſeum.

BOOK I.

This refers to p. 20. vol. 1ſt.

WILLELMUS Dux Normannorum veniens in Angliam, ob adquirendum regnum jure ſibi debitum, habuit a Willelmo dapifero, filio Oſberni, ſexaginta Naves. Ab Hugone poſtea Comite de Ceſtria totidem. Ab Hugone de Monfort quinquaginta Naves, et ſexaginta Milites. A Romo vel Rumi elemoſinario Feſcanni, poſtea Epiſcopo Lincolnienſi, unam Navem cum xx Militibus. A Nicholao Abbate de Sancto Audoeno xx Naves cum c Militibus. A Roberto Comite Augi ſexaginta Naves. A Fulcone claudo XL Naves. A Geroldo dapifero totidem. A Will. Comite d'Evereux octoginta Naves. A Rogero de Montgomeri ſexaginta Naves. A Rogero de Baumunt LX Naves. Ab Odone Epiſcopo de Baios c Naves. A Roberto de Morotein c & xx. A Waltero Giffardo xxx cum c Militibus. Extra has Naves, quæ computatæ ſimul M efficiunt, habuit Dux a quibuſdam ſuis Hominibus, ſecundum poſſibilitatem unius

unius cujuſque, multas alias Naves. Matildis, poſtea Regina, ejuſdem Ducis Uxor, ad honorem Ducis fecit effici Navem quæ vocabatur *Mora*, in qua ipſe Dux vectus eſt. In prorâ ejuſdem Navis fecit fieri eadem Matildis infantulum de auro, dextro indice monſtrantem Angliam, et ſiniſtra manu imprimentem cornu eburneum Ori. Pro quo facto Dux conceſſit eidem Matildi Comitatum Cantiæ.

N. B. There are ſome few errors in this manuſcript with regard to the proper names, and the diviſion of the ſentences, which being very evident, I have ventured to correct them, and I have alſo printed the words without thoſe abridgements which moſt of my readers would find troubleſome. I preſume that, by the words *pro quo facto Dux conceſſit eidem Matildi Comitatum Cantiæ*, the writer means, that he aſſigned her lands in Kent for her dower; the country being, we know, given by him to his brother, Odo biſhop of Bayeux.

N° II.

Tranſcribed from Wilkins and the Red Book of the Exchequer.

Carta Regis Willielmi Conquiſitoris de quibuſdam ſtatutis.

This refers to p. 59. vol. 1ſt.

WILLIELMUS Rex Anglorum, Dux Normannorum, omnibus hominibus ſuis Francis & Anglis, Salutem.

51. *De Religione et Pace publica.*

Statuimus imprimis ſuper omnia, unum Deum per totum regnum noſtrum venerari, unam fidem

Chriſti ſemper inviolatam cuſtodiri, pacem, et ſecuritatem, et concordiam, judicium et juſtitiam inter Anglos et Normannos, Francos et Britones Walliæ et Cornubiæ, Pictos et Scotos Albaniæ, ſimiliter inter Francos et Inſulanos, Provincias et Patrias quæ pertinent ad coronam et dignitatem, defenſionem et obſervationem, et honorem regni noſtri, et inter omnes nobis ſubjectos per univerſam Monarchiam regni Britanniæ firmiter et inviolabiliter obſervari. Ita quod nullus alii forisfaciat in ullo ſuper forisfacturam noſtram plenam. BOOK I.

N. B. This law puts all the ſubjects of William the Conqueror on an equal footing.

52. *De fide et obſequio erga Regem.*

Statuimus etiam ut omnes liberi homines fœdere et ſacramento affirment, quod intra et extra univerſum regnum Angliæ (quod olim vocabatur regnum Britanniæ) Willielmo Regi Domino ſuo fideles eſſe volunt, terras et honores illius omni fidelitate ubique ſervare cum eo, et contra inimicos et alienigenas defendere.

N. B. See what is ſaid of this law in the latter part of the third volume, concerning the *militia* of the Normans.

55. *De Clientelari ſeu Feudorum jure et ingenuorum immunitate.*

Volumus etiam, ac firmiter præcipimus et concedimus, ut omnes liberi homines totius Monarchiæ regni noſtri predicti, habeant et teneant terras ſuas, et poſſeſſiones ſuas bene, et in pace, libere ab omni exactione injuſta, et ab omni tallagio, ita quod nihil ab eis exigatur vel capiatur, niſi ſervitium ſuum liberum, quod de jure nobis facere debent, et facere tenentur; et prout ſtatuum eſt eis, et illis a nobis datum et conceſſum jure hæreditario in perpetuum per commune conſilium totius regni noſtri prædicti.

N. B. See what is ſaid of this ſtatute p. 62. of this volume, and likewiſe in the latter part of the third volume, concerning the royal revenues. I will only add here, that it ſeems to refer to a former ſtatute of the ſame king, which is now loſt.

56. *De nocturnis cuſtodiis.*

Statuimus etiam et firmiter præcipimus, ut omnes Civitates, et Burgi, et Caſtella, et Hundreda, et Wapentachia totius regni noſtri prædicti ſingulis noctibus vigilentur, et cuſtodiantur in girum, pro maleficis et inimicis, prout Vicecomites, et Aldermanni, et Præpoſiti, et cæteri Ballivi, et Miniſtri noſtri melius per commune conſilium ad utilitatem regni providebunt.

57. *De Menſuris et Ponderibus.*

Et quod habeant per univerſum regnum menſuras fideliſſimas et ſignatas, et pondera fideliſſima et ſignata, ſicut boni Prædeceſſores ſtatuerunt.

N. B. This uſeful ſtatute was a confirmation of many others more ancient, and was confirmed in many ſucceeding reigns, but never, I believe, duly executed.

58. *De Clientum, ſeu Vaſſalorum præſtationibus.*

Statuimus etiam et firmiter præcipimus, ut omnes Comites, et Barones, et Milites, et ſervientes, et univerſi liberi homines totius regni noſtri prædicti habeant et teneant ſe ſemper bene in armis, et in equis, ut decet et oportet, et quod ſint ſemper prompti et bene parati ad ſervitium ſuum integrum nobis explendum, et peragendum, cum ſemper opus adfuerit, ſecundum quod nobis debent de feodis et tenementis ſuis de jure facere, et ſicut illis ſtatuimus per commune conſilium totius regni noſtri prædicti, et illis dedimus et conceſſimus in feodo jure hæreditario. Hoc præceptum non ſit violatum ullo modo ſuper forisfacturam noſtram plenam.

N. B.

N. B. See what is ſaid of this law in the latter part of the third volume, concerning the *militia* of the Normans. BOOK I.

59. *Ut jura regia illæſa ſervare pro viribus conentur ſubditi.*

Statuimus etiam et firmiter præcipimus, ut omnes liberi homines totius regni noſtri prædicti ſint fratres conjurati ad Monarchiam noſtram et ad regnum noſtrum pro viribus ſuis ac facultatibus contra inimicos pro poſſe ſuo defendendum, et viriliter ſervandum, et pacem et dignitatem Coronæ noſtræ integram obſervandum, et ad judicium rectum, et juſtitiam conſtanter omnibus modis pro poſſe ſuo ſine dolo et ſine dilatione faciendam. Hoc decretum ſancitum eſt in civitate London.

N. B. This was agreeable to the ancient Saxon laws, which bound all freemen to the defence of the king and kingdom. The laſt ſentence ſhews, that theſe laws were made in different places and at different times.

60. *Ne venditio et emptio fiat niſi coram teſtibus et in civitatibus.*

Interdicimus etiam, ut nulla viva pecunia vendatur aut ematur, niſi intra civitates, et hoc ante tres fideles teſtes, nec aliquam rem vetitam ſine fidejuſſore et warranto. Quod ſi aliter fecerit, ſolvat et perſolvat, et poſtea forisfacturam.

61. *De emporiis, et jure urbium pagorumque notæ melioris.*

Item nullum mercatum vel forum ſit, nec fieri permittatur, niſi in civitatibus regni noſtri, et in burgis, et muro vallatis, et in caſtellis, et in locis tutiſſimis, ubi conſuetudines regni noſtri, et jus noſtrum commune et dignitates coronæ noſtræ, quæ conſtitutæ ſunt a bonis Prædeceſſoribus noſtris deperiri non poſſint, nec defraudari, nec violari, ſed omnia rite et in aperto, et per judicium et juſti-

tiam fieri debent. Et ideo caſtella, et burgi, et civitates ſitæ ſunt et fundatæ et ædificatæ, ſcilicet, ad tuitionem gentium et populorum regni, et ad defenſionem regni, et idcirco obſervari debent cum omni libertate, et integritate, et ratione.

63. *Firmantur Leges Edwardi Regis.*

Hoc quoque præcipimus ut omnes habeant et teneant leges Edwardi Regis in omnibus rebus, adauctis his quas conſtituimus ad utilitatem Anglorum.

N. B. This law may be called *a new charter to the Engliſh*, confirming to them all their ancient laws, with ſuch additions, or alterations only, as had been made in them by William to their advantage. It alſo extended to the Normans here the benefit of the Engliſh laws, ſo far as they were not altered by the new conſtitutions made by their prince with their concurrence. For the word *conſtituimus* implies a parliamentary act.

64. *De juſtitiæ publicæ fidejuſſoribus.*

Omnis homo qui voluerit ſe teneri pro libero, ſit in plegio, ut plegius eum habeat ad juſtitiam ſi quid offenderit, et quiſquam evaſerit, talium videant plegii ut ſolvant quod calumniatum eſt, et purgent ſe, quia in evaſo nullam fraudem noverint. Requiratur hundredus, et comitatus (ſicut anteceſſores ſtatuerunt) et qui juſte venire debent et noluerint, ſummoneantur ſemel, et ſi ſecundo non venerint, accipiatur unus bos; et ſi tertio, alius bos; et ſi quarto, reddatur de rebus hujus hominis quod calumniatum eſt, quod dicitur ceapzylo, et inſuper Regis forisfactura.

65. *De Servis et eorum manumiſſione.*

Et prohibemus ut nullus vendat hominem extra patriam: ſi qui vero velit ſervum ſuum liberum facere, tradat eum Vicecomiti per manum dextram

in

in pleno comitatu, quietum illum clamare debet a jugo ſervitutis ſuæ per manumiſſionem, et oſtendat ei biberas vias, et portas, et tradat illi libera arma, ſcilicet, lanceam, et gladium; deinde liber homo efficitur. BOOK I.

66. *De Servis.*

Item, ſi Servi permanſerint ſine calumnia per annum et diem in Civitatibus noſtris vel in Burgis Muro vallatis vel in Caſtris noſtris a die illa liberi efficiuntur, et liberi a jugo ſervitutis ſuæ ſint in perpetuum.

N. B. See what is ſaid of theſe three laws in the latter part of the third volume.

Carta Willielmi.

W. Gratia Dei Rex Angliæ Comitibus, Vicecomitibus, et omnibus Francigenis et Anglis qui in Epiſcopatu Remegii Epiſcopi terras habent, ſalutem. Sciatis vos omnes et cæteri mei fideles, qui in Anglia manent, quod Epiſcopales Leges, quæ non bene, nec ſecundum ſanctorum Canonum Præcepta, uſque ad mea tempora in regno Anglorum fuerunt, communi concilio et conſilio Archiepiſcoporum meorum, et cæterorum Epiſcoporum et Abbatum, et omnium Principum Regni mei emendandas judicavi. Propterea mando et regia auctoritate præcipio, ut nullus Epiſcopus vel Archidiaconus de Legibus Epiſcopalibus amplius in Hundret placita teneant, nec cauſam quæ ad regimen animarum pertinet ad judicium ſecularium hominum adducant. Sed quicunque ſecundum Epiſcopales Leges de quacumque cauſa vel culpa interpellatus fuerit, ad locum, quem ad hoc Epiſcopus elegerit vel nominaverit, veniat, ibique de cauſa ſua reſpondeat, et non ſecundum Hundret, ſed ſecundum Canones et Epiſcopales Leges, rectum Deo et Epiſcopo

This refers to p. 60. vol. 1ſt.

copo ſuo faciat. Si vero aliquis per ſuperbiam elatus ad juſtitiam Epiſcopalem venire noluerit, vocetur ſemel, ſecundo, et tertio; quod ſi nec ſic ad emendationem venerit, excommunicetur, et ſi opus fuerit ad hoc vindicandum Fortitudo et Juſtitia Reges ſive Vicecomitis adhibeatur. Ille autem, qui vocatus ad Juſtitiam Epiſcopi venire noluerit, pro unaquaque vocatione Legem Epiſcopalem emendabit. Hoc etiam defendo et mea auctoritate interdico, ne ullus Vicecomes aut Præpoſitus aut Miniſter Regis nec aliquis Laicus homo alium hominem ſine juſtitia Epiſcopi ad judicium adducat. Judicium vero in nullo loco portetur, niſi in Epiſcopali ſede, aut in illo loco quem ad hoc Epiſcopus conſtituerit.

N. B. See what is ſaid on this ſubject in p. 64. and 65. of this volume. I will only add here, that it is unfortunate that we have not thoſe emendations of the epiſcopal laws in uſe among the Saxons, which William the Firſt declares he had judged it proper to make with the advice and conſent of his parliament; and which he ſets forth as the foundation of this edict, or mandate. I can hardly ſuppoſe that his intention of making thoſe emendations was never accompliſhed; it being much more probable, that we have loſt the ſtatute that made them, as well as many others, enacted during his reign.

Vid. Hiſt. Ingulph. Gale, Rer. Angl. Script. tom. i. p. 88.

N° III.

This refers to p. 62, &c. of vol. 1ſt.

BESIDES theſe laws above recited, there are ſome of a penal nature, or concerning criminal matters, to which Ingulphus, abbot of Croyland, tells us, his Lord, King William the Conqueror,

queror, had given an authentick and perpetual sanction in his whole realm of England. He delivers them to us, as that prince had enacted them, in the French or Norman language; and calls them *the laws of the moſt juſt King Edward:* but Dr. Hickes obſerves truly, that ſome of them are quite new, and others altered more or leſs from the Saxon or Daniſh laws. I ſhall give them, with ſome other penal laws of this king, in the Appendix to my third volume, where I ſhall exhibit a ſhort view of the criminal law of England, from the earlieſt times to the death of King Henry the Second. Here I ſhall only inſert a few in that collection, which are of a civil nature, and which I ſhall give in the Latin tranſlation of them publiſhed by Wilkins, without troubling my reader with the obſolete French original. The Sixth of this Code of laws, and the firſt I ſhall give here, is concerning the Replevin of animals.

Vid. Hickes Diſſertatio, P. 95.

P. 220, & ſeq.

" Is qui averium replegiaverit, aut equos, aut boves, aut vaccas, aut porcos, aut oves (quod Fonfengen Anglicè dicitur) is qui poſtulat dabit præpoſito, in toto; pro averio replegiato VIII denarios, nec tamen habeat plus qui centum habet pro obolo, non dabit pluſquam VIII denarios, et pro porco IV denarios, et pro ove denarium unum, et pro alio unoquoque quod vivit IV denarios, nihilominus neque habebit nec dabit pluſquam VIII denarios, et dabit vadios, et inveniet plegios; ſed, ſi aliquis venerit ad probationem intra annum et diem, ut averium petat, ad rectum habiturum in curiâ, eum [eo] de quo is averium replegiaverit."

N. B. There is great obſcurity both in the tranſlation and original text of this and the following law, which I am not able to clear up. Probably it may ariſe from the faultineſs of the copy in Ingulphus, though this is taken

from the beſt that has been found. Mr. Tyrrel, in his tranſlation of it into Engliſh, has omitted the part where the greateſt difficulty lies. In general this law appears favorable to the ſubject, and calculated to prevent exactions from the people by the king's officers in the caſe of Replevins.

7. " Similiter de averio vaganti, et aliâ re inventâ. Oſtendatur tribus partibus vicineti, ut teſtimonium habeat de inventione; ſi aliquis veniat ad probationem ad rem poſtulandam, det vadios, et inveniat plegios ſe, ſi alius quiſpiam poſtulaverit averium intra annum et diem, ad rectum exhibiturum in curiâ, id, quod invenerit."

18. " Liber homo, qui habuerit averia campeſtria xxx denariis æſtimanda, dabit denarium S. Petri. Pro IV denariis, quos donaverit Dominus, quieti erunt bordarii ejus, et ejus *ſcabini*, et ejus ſervientes. Burgenſis, qui de propriis catallis habet id quod dimidia marca æſtimandum eſt, dare debet denarium S. Petri. Qui in Danelega eſt liber homo, et habet averia campeſtria, quæ dimidia marca in argento æſtimantur, debet dare denarium S. Petri. Et per denarium, quem donaverit Dominus, erunt quieti ii qui reſident in ſuo Dominio."

N. B. The word *ſcabini* here is certainly a wrong tranſlation, for Spelman, in his Gloſſary, ſays it means judges or aſſeſſors in the rural courts, perſons too high to be ranked with *bordarii* and *ſervientes*. The word in the original is *bovers*, which I do not find in his Gloſſary: but Mr. Tyrrel tranſlates it *villains*, and he ſays he was aſſiſted by Dr. Hickes, who was ſkilled in the Saxon terms. Probably it was ſome ſpecies of under tenants on the demeſne. The law is curious, as it ſhews in what proportions

tions and from whom Peter-pence was then levied. BOOK I.

22. " De Relevio Comitis, quod ad regem pertinet, VIII equi ephippiati, et frænis ornati, IV loricæ, et IV galeæ, et IV ſcuta, et IV haſtæ, et IV enſes, alii cæteri IV veredi et palfredi, cum frænis et capeſtris."

N. B. This is agreeable to the laws of King Canute.

23. " De Relevio Baronis, IV equi cum ſellis et frænis ornati, et loricæ II, et II galeæ, et ſcuta II, et II haſtæ, et II enſes, et alii cæteri II unus veredus, et unus palfredus, cum fræno et capiſtro."

24. " De Relevio Vavaſſoris ad legitimum ſuum Dominum. Quietus eſſe debet per equum patris ſui talem qualem habuerit tempore mortis ſuæ, et per loricam ſuam, et per galeam ſuam, et per ſcutum ſuum, et per haſtam ſuam, et per enſem ſuum; et ſi adeo fuerit inermis, ut nec equum habuerit nec arma, per centum ſolidos."

N. B. All theſe reliefs in horſes and arms were afterwards ſettled to be paid in money, and not in the ſame proportions as they ſtand here between earls, barons, and tenants by knight ſervice, or vavaſſors. See the latter part of the firſt book of the ſecond volume, and the notes thereto.

29. " De Relevio Villani. Melius animal quod habuerit, id (ſive equus ſit, ſive bos, ſive vacca) donabit Domino ſuo pro relevio, et poſtea ſint omnes villani in franco plegio."

N. B. I put this law before ſome that are prior to it in the collection, and will follow here, not to ſeparate thoſe that are on the ſame ſubject. It muſt be obſerved, that the titles prefixed to all theſe laws in the Latin tranſlation of Wilkins are not in the original French,

French, and are many of them faulty. For inſtance, the title to this is De *Servorum* Relevio. But the word *villanus* in the original ſignifies not a ſlave but a farmer, as is evident from the law itſelf, which makes him liable to a relief; whereas the ſlaves had no property, all they had being their maſters. It alſo declares, that *omnes villani* ſhall be under *frank pledge*, which ſhews that theſe villains were freemen. See more on this ſubject in the latter part of the firſt book of the ſecond volume.

40. "Eorum qui fundum ſuum tenent ad cenſum, ſit rectum relevium tantum quantum cenſus annuus eſt."

N. B. This relates to ſocage tenure, and continued to be the rule for the payment of reliefs from lands ſo held, till after the times that I write of. See Glanville, l. ix. p. 71. c. 4. See alſo the latter part of the firſt book of the ſecond volume.

27. "Si quis vult diſrationare conventionem de terra ſua verſus dominum ſuum, per pares ſuos eadem tenura quos vocavit in teſtimonium debet illud diſrationare. Nam per extraneos non poteſt diſrationare."

28. "Qui placitat in curia, cujuſcunque curia ſit, excepto ubi perſona Regis eſt, et quis eum ſiſtat ſuper eo quod dixerit, rem quam nolit confiteri, ſi non poteſt diſrationare per 11 intelligentes homines qui interfuerunt placito et videntes, quod non dixerit, recuperit juxta verbum ſuum."

N. B. This law is obſcure.

33. "Eos qui colunt terram non debet quis moleſtare, præterquam de eorum debito cenſu. Nec licet Domino feudi amovere cultores de terra ſua, quamdiu rectum ſervitium ſuum facere poſſint. Nativi

tivi qui discedunt à terra sua non debent cartam falsæ nativitatis quærere, ut non faciant suum rectum servitium quod spectat ad terram suam. Nativum, qui discedit à terra unde est nativus et venit ad alteram, nullus retineat, nec eum, nec catalla ejus; sed redire cogatur, ut faciat servitium suum tale quod ad eum spectat: si Domini non faciunt alterius colonum venire ad terram suam, justitia id faciat."

N. B. For the better understanding of the sense of the law see what is said on the subject of socmen, husbandmen, and persons born in servitude, in the latter part of the third volume.

34. "Nemo Domino suo subtrahat rectum servitium suum, propter ullam remissionem quam ei antea fecerit."

42. "Non capiat quis *namium* aliquod in comitatu, nec extra, usque dum ter rectum petierit in hundredo, aut in comitatu; et si ad tertiam vicem rectum non potest habere, eat ad comitatum, et comitatus præfigat ei diem quartum, et si ipse defecerit de quibus ipse postulat, tunc licentiam accipiat ut possit *namium* capere pro suo homine et testimonio."

N. B. This is very obscure; but Dr. Hickes translates the word *namium* by *distress*, which will a little help to guess at the sense and purport of it.

43. "Nemo emat quantum IV denariis æstimatur, neque de re mortua, neque de viva, absque testimonio IV hominum aut de burgo aut de villa. Et si quis rem vendicat, et is non habeat testimonium, si nullum habeat warrantum, respondeat alteri catallum suum, et forisfacturam habeat qui habere debet; et si testimonium, habeat, ut jam diximus, advocet tribus vicibus, et vice quarta disrationet, aut rem reddat."

N. B.

N. B. This law is taken from the 22d of King Canute. The reſtraint it lays upon buying any thing, except in the preſence of four witneſſes, muſt have been very inconvenient, though uſeful to prevent theft.

44. "Nobis rationi conſonum non videtur, ut quis propriationem [Q. probationem, in the French *pruvance*] faciat ſupra teſtimonium quod cognoverit id quod intereſt, et quod nihil quis proprium faciat ante terminum VI menſium poſtquam averium furto ſit ablatum."

46. "Nemo alium recipiet ultra tres noctes, niſi is eum illi commendaverit qui ejus fuerit amicus."

47. "Nemo hominem ſuum a ſe diſcedere patiatur antequam retatus fuerit."

49. "Quilibet etiam Dominus habeat ſervientem ſuum aut plegium ſuum, quem, ſi non retatus fuerit, habeat ad rectum in hundredo."

N. B. Concerning theſe laws of frank pledge, and reſtraint on the lodging of ſtrangers, ſee what is ſaid in the latter part of the third volume.

N° IV.

This refers to p. 141. of vol. 1ſt.

ANNO Incarnationis Dominicæ MCI. Henricus filius Willelmi Regis poſt obitum fratris ſui Willelmi Dei gracia Rex Anglorum, omnibus fidelibus, Salutem. Sciatis me, Dei miſericordia et communi conſilio Baronum totius Regni Angliæ, ejuſdem Regem coronatum eſſe. Et quia Regnum oppreſſum erat injuſtis exactionibus, Ego, Dei reſpectu et amore quem erga vos habeo, ſanctam Dei Eccleſiam imprimis liberam facio; ita quod nec vendam, nec ad firmam ponam, nec mortuo Archiepiſcopo, ſive Epiſcopo, ſive Abbate, aliquid accipiam de dominico Eccleſiæ, vel de hominibus ejus,

ejus, donec ſucceſſor in eam ingrediatur; et omnes malas conſuetudines, quibus Regnum Angliæ injuſte opprimebatur, inde aufero: Quas malas conſuetudines ex parte hic pono. Si quis Baronum, Comitum meorum, ſive aliorum qui de me tenent, mortuus fuerit, hæres ſuus non redimet terram ſuam, ſicut faciebat tempore fratris mei, ſed juſta et legitima relevatione relevabit eam. Similiter et homines Baronum meorum juſta et legitima relevatione relevabunt terras ſuas de Dominis ſuis. Et ſi quis Baronum, vel aliorum hominum meorum, filiam ſuam nuptum tradere voluerit, ſive ſororem, ſive neptim, ſive cognatam, mecum inde loquatur: ſed neque ego aliquid de ſuo pro hac licentia accipiam, neque defendam ei, quin eam det, excepto ſi eam vellet jungere inimico meo. Et ſi, mortuo Barone ſive alio homine meo, filia hæres remanſerit, illam dabo conſilio Baronum meorum cum terra ſua: Et ſi, mortuo viro, uxor ejus remanſerit, et ſine liberis fuerit, dotem ſuam et maritationem habebit, et eam non dabo marito, niſi ſecundum velle ſuum. Si vero uxor cum liberis remanſerit, dotem quidem et maritationem habebit dum corpus ſuum legitime ſervaverit, et eam non dabo niſi ſecundum velle ſuum: et terræ et liberorum cuſtos erit, ſive uxor, ſive alius propinquarius qui juſtius eſſe debeat. Et præcipio quod Barones mei ſimiliter ſe contineant erga filios et filias vel uxores hominum ſuorum. Monetagium commune, quod capiebatur per Civitates et Comitatus, quod non fuit tempore Regis Edvvardi hoc ne amodo fiat omnino defendo. Si quis captus fuerit, ſive Monetarius, ſive alius, cum falſa moneta, juſtitia recta inde fiat. Omnia placita, et omnia debita quæ fratri meo debebantur condono, exceptis rectis firmis meis, et exceptis illis quæ pacta erant pro aliorum hæreditatibus, vel pro eis rebus quæ juſtius aliis contingebant. Et ſi quis hæreditate ſua

BOOK I.

BOOK I.

ſua aliquid pepigerat, illud condono, et omnes relevationes quæ pro rectis hæreditatibus pactæ fuerant: et ſi quis Baronum vel hominum meorum infirmabitur, ſicut ipſe dabit vel dare diſponet pecuniam ſuam, ita datam eſſe concedo; quod ſi ipſe præventus armis vel infirmitate pecuniam ſuam non dederit, vel dare diſpoſuerit, uxor ſua, ſive liberi aut parentes, et legitimi homines ejus eam pro anima ejus dividant, ſicut eis melius viſum fuerit. Si quis forisfecerit, non dabit vadium in miſericordia pecuniæ, ſicut faciebat tempore patris mei vel fratris mei; ſed ſecundum modum forisfacti ita emendabit, ſicut emendaſſet retro a tempore patris mei in tempore aliorum Anteceſſorum meorum. Quod ſi perfidiæ vel ſceleris convictus fuerit, ſicut juſtum fuerit, ſic emendet. Murdra etiam retro ab illo die, quo in Regem coronatus fui, omnia condono; et ea quæ amodo facta fuerint, juſte emendentur ſecundum Lagam Regis Edvvardi. Foreſtas omni * conſenſu Baronum meorum in manu mea retinui, ſicut pater meus eas habuit. Militibus qui per loricas terras ſuas defendunt terras dominicarum carucarum ſuarum quietas ab omnibus gildis et omni opere proprio dono meo concedo, ut ſicut tam magno allevamine alleviati ſunt, ita ſe equis et armis bene inſtruant ad ſervitium meum, et ad defenſionem Regni mei. Pacem firmam in toto regno meo pono et teneri amodo præcipio. Lagam Edvvardi Regis vobis reddo, cum illis emendationibus quibus pater meus eam emendavit conſilio Baronum ſuorum. Si quis aliquid de rebus meis, vel de rebus alicujus poſt obitum Willelmi Regis fratris mei cepit, totum cito ſine emendatione reddatur; et ſi quis inde aliquid retinuerit, ille, ſuper quem inventum fuerit, mihi graviter emendabit. Teſtibus M. Lundoniæ epiſcopo, et Gundulfo epiſcopo, et Willelmo electo epiſcopo, et Henrico comite, et Sim.

*F. communi.

Sim. comite, et Waltero Giffardo, et Roberto de Monfort, et Rogero Bigoto, et Henrico de Portu apud Londoniam quando fui coronatus. BOOK I.

N. B. See what is ſaid of this charter in the ſecond volume and in the notes thereto. See alſo the latter part of the third volume and notes. The copy here given is taken from the moſt ancient we have, viz. the Textus Roffenſis, which has been publiſhed by Mr. Hearne, and ſince by Dr. Blackſtone in his book on the Great Charter.

N° V.

Charta Regis Henrici primi, ubi Comitatus teneri debet, et ubi placita de diviſis terrarum. E codice Dom. H. Spelman. Regum Veterum Statutorum Regni Angliæ.

HENRICUS Rex Anglorum Sampſoni Epiſcopo et Urſoni de Abetot, et omnibus Baronibus ſuis Francis et Anglicis de Wireceſtria, Salutem. This refers to p. 143. of vol. 1ſt.

Sciatis quod concedo et præcipio, ut amodo Comitatus mei et Hundredi in illis locis et eiſdem terminis ſedeant, ſicut ſederunt in tempore Regis Edwardi, et non aliter. Ego enim, quando voluero, faciam ea ſatis ſummoneri propter mea dominica neceſſaria ad voluntatem meam. Et ſi amodo exurgat placitum de diviſione terrarum, ſi eſt inter Barones meos dominicos, tractetur placitum in Curia mea. Et ſi eſt inter Vavaſſores duorum Dominorum, tractetur in Comitatu; et hoc Duello fiat, niſi in eis remanſerit.

Et

Et volo et præcipio, ut omnes de Comitatu eant ad Comitatus et Hundreda, ſicut fecerint tempore Regis Edwardi: nec remaneant propter aliquam cauſam pacem meam, vel quietudinem, qui non ſequuntur placita mea et judicia mea, ſicut tunc temporis feciſſent. Teſte R. Epiſcopo Londoniæ, et R. Epiſcopo, et Ranulfo Cancell. et R. Comite de Mell. apud Rading.

N. B. From hence it appears, that in the reign of King Henry the Firſt there were in Worceſterſhire ſome Engliſh barons holding of the crown, as well as Norman or French: and it is not to be ſuppoſed that they were only confined to that county. This ſtatute is very important with regard to the juriſdictions of the king's court, and of the courts of the County and Hundreds. I ſhall ſay more of it in my third volume, where I ſhall treat of the inſtitution of regular annual circuits of itinerant juſtices by King Henry the Second, and there alſo I ſhall conſider the method of trials by duel, of which mention is made in this ſtatute. There are many other laws aſcribed to Henry the Firſt, but, as I do not think the collection genuine, I have not inſerted them here. See what is ſaid on this ſubject in the latter part of the firſt book of the ſecond volume, and the notes thereto.

N° VI.

Charta Stephani Regis de Libertatibus.

From an ancient manuſcript in the Cotton Library (Claudius D. ii. f. 75.) and Dr. Blackſtone's Book on the Great Charter.

STEPHANUS Dei Gratia Rex Angliæ Juſtic. Vicecomitibus, Baronibus, et omnibus miniſtris et fidelibus ſuis, Francis et Anglicis, Salutem. This refers to p. 243. vol. 1ſt.

Sciatis me conceſſiſſe et præſenti Charta confirmaſſe omnibus Baronibus et hominibus meis de Anglia omnes libertates et bonas leges, quas Henricus Rex Angliæ, avunculus meus, eis dedit et conceſſit; et omnes bonas leges et bonas conſuetudines eis concedo quas habuerunt tempore Regis Edwardi. Quare volo et firmiter præcipio, quod habeant et teneant omnes illas bonas leges et libertates de me et hæredibus meis, ipſi et hæredes ſui, libere, quiete, et plenarie. Et prohibeo ne quis eis ſuper hiis moleſtiam vel impedimentum vel diminutionem faciat, ſuper forisfacturam meam. Teſte Willielmo Martel apud London.

N° VII.

Charta Stephani Regis, de Libertatibus Eccleſiæ & Regno conceſſis. Ex Originali, inter Archivos Dec. & Capitul. Exon. reſervato.

EGO Stephanus Dei gratia, aſſenſu Cleri et Populi in regem Anglorum electus, et a Domino Willielmo Cantuar. Archiepiſcopo et ſanctæ Ro- This refers to p. 244. vol. 1ſt.

BOOK I. Romanæ Eccleſiæ legato conſecratus, et ab Innocentio ſanctæ Romanæ ſedis pontifice confirmatus, reſpectu et amore Dei ſanctam Eccleſiam liberam eſſe concedo, et debitam reverentiam illi confirmo. Nihil me in Eccleſia vel rebus eccleſiaſticis ſimoniace acturum vel permiſſurum eſſe promitto. Eccleſiaſticarum perſonarum et omnium Clericorum et rerum eorundem Juſtitiam et Poteſtatem, et diſtributionem bonorum Eccleſiaſticorum in manu Epiſcoporum eſſe perhibeo et confirmo. Dignitates Eccleſiarum privilegiis earum confirmatas, et conſuetudines earum antiquo tenore habitas, inviolatè manere ſtatuo et concedo. Omnes Eccleſiarum poſſeſſiones et tenuras, quas die illa habuerunt qua W. Rex Avus meus fuit vivus et mortuus, ſine omni calumpniantium reclamatione eis liberas et abſolutas eſſe concedo. Si quid vero de habitis vel poſſeſſis ante mortem ejuſdam Regis, quibus modo careat, Eccleſia deinceps repetierit, indulgentiæ et diſpenſationi meæ vel reſtituendum vel diſcutiendum reſervo. Quæcunque vero poſt mortem ipſius Regis, liberalitate Regum, vel largitione Principum, oblatione vel comparatione, vel qualibet tranſmutatione fidelium eis collata ſunt, confirmo. Pacem et Juſticiam me in omnibus facturum et pro poſſe meo conſervaturum eis promitto. Foreſtas quas W. avus meus et W. avunculus meus inſtituerunt et habuerunt, mihi reſervo. Ceteras omnes, quas Rex H. ſuperaddidit, Eccleſiis et Regno quietas reddo et concedo. Siquis Epiſcopus vel Abbas vel alia Eccleſiaſtica Perſona ante mortem ſuam rationabiliter ſua diſtribuerit vel diſtribuenda ſtatuerit, firmum manere concedo. Si vero morte præoccupatus fuerit, pro ſalute animæ ejus Eccleſiæ conſilio eadam fiat diſtributio. Dum vero ſedes propriis paſtoribus vacuæ fuerint, ipſas et earum poſſeſſiones omnes in manu et cuſtodia Clericorum vel proborum hominum

num ejuſdem Eccleſiæ committam, donec Paſtor canonice ſubſtituatur. Omnes exactiones et injuſticias et meſcheningas, ſive per vicecomites vel per alios quoſlibet male inductas, funditus extirpo. Bonas Leges et antiquas, et juſtas conſuetudines in murdris, et placitis, et aliis cauſis obſervabo, et obſervari præcipio et conſtituo. Hæc omnia concedo et confirmo, ſalva regia et juſta dignitate mea. Teſtibus W. Cantuar. Archiepiſcopo, et Hug. Rothom. Archiepiſcopo, et Henrico Winton Epiſcopo, et Rogero Sarum Epiſcopo, et A. Linc. Epiſcopo, et Nigell. Elienſ. Epiſcopo, et Eurardo Norvic. Epiſcopo, et Simone Wigorn. Epiſcopo, et Bernar. Epiſcopo de *St. David*, et Audoen. Ebroic. Epiſcopo, et Ricar. Abrinc. Epiſcopo, et Rob. Heref. Epiſcopo, et Johan. Rovec. Epiſcopo, et Athelulfo Carlol. Epiſcopo, et Rogero Cancellario, et Henrico nepote Regis, et Rob. de fiſc. et R. Comite Gloec. et Will. Comite de Warrena, et Rad. Comite Ceſtriæ, et Rob. Comite de Warewic, et Rob. de Ver. et Milone de Gloec. et Brient fil. Comitis, et Rob. de Oilli Coneſtabulariis, Will. Martel. et Hugone Bigot, et Humfred. de Bohun, et Tim. de Bellocamp dapiferis, et Will. de Albin. et Eudone Martel. Pincerna, et Rob. de Ferrariis, et Will. Peuerel de Notingham, et Sim. de *Santliz.* et Will. de Alban, et Pagano fil. Johan. et Hamone de Sto Claro, et Glberto de Laceio. Apud Oxenford anno ab incarnatione Domini M. C. XXXVI. ſed Regni mei primo.

BOOK I.

N. B. See what is ſaid of theſe two charters, p. 243. and 244. of this volume. Dr. Blackſtone has given a copy of the latter from Mr. Hearne (Not. ad Gul. Neubrigenſ. 711.) who ſays he took it from an original which had been in his hands. I have compared them, and find ſome variations, but none that are material with re-

gard to the ſenſe, except that the laſt words of Hearne's end with the words—in communi concilio, inſtead of—ſed regni mei primo.

N° VIII.

Pope Innocent's bull for the confirming of Stephen's election to the kingdom of England. From Rich. Hagustald. inter Decem Scriptories, p. 313, 314.

This refers to p. 245. vol. 1ſt.

INNOCENTIUS Epiſcopus, ſervus ſervorum Dei, cariſſimo in Chriſto filio Stephano illuſtri Anglorum Regi, Salutem et Apoſtolicam benedictionem. Rex regnum et Dominus dominantium, in cujus manu ſunt omnium poteſtates et omnia jura regnorum, ex incomprehenſibili ſupernæ providentiæ diſpenſatione, quando vult, mutat tempora et tranſfert regna. Sicut enim atteſtatur propheta, *Dominatur excelſus in regno hominum, et cui voluerit dat illud.* Quot commoditates, quanta jocunditatis tranquillitas, quantaque juſtitiæ cenſura in regno Angliæ et ducatu Normanniæ, regnante filio noſtro glorioſæ memoriæ Henrico rege, viguerunt, eo humanis rebus exempto oculata fide perclaruit. Cum enim idem eſſet religioſorum virorum amator, pacis et juſtitiæ cultor, viduarum et orphanorum propitius conſolator, et eorum qui impotentia defendere ſe non poterant pius defenſor; ipſo ſublato de medio, prout accepimus, turbata eſt religio in regno Angliæ, et nullum mandatum pacis ſeu juſtitiæ in adjutorio regali vigebat, atque atrocitatem tantorum ſcelerum comitabatur impunitas. Ne autem diutius graſſando in populum Dei debacchari poſſet dira feralitas, inclinata eſt ad preces religioſorum virorum divinæ

miſeratio pietatis, et tantis flagitiis potentur occurrens, (quemadmodum venerabilium fratrum noſtrorum, Archiepiſcoporum, Epiſcoporum earundem regionum, et amatorum ſanctæ Romanæ eccleſiæ, glorioſi Francorum regis, et illuſtris viri Comitis Theodbaldi ſcripta teſtantur, et illuſtrium virorum nobis indicavit aſſertio) communi voto et unanimi aſſenſu tam procerum quam etiam populi, te in regem eligere et a præſulibus regni conſecrari providit. Nos cognoſcentes vota tantorum virorum in perſonam tuam, præeunte divina gratia, conveniſſe, pro ſpe etiam certa te beato Petro in ipſa conſecrationis tuæ die obedientiam et reverentiam promiſiſſe, et quia de præfati regis proſapia prope poſito gradu originem traxiſſe dinoſceris, quod de te factum eſt gratum habentes, te in ſpecialem beati Petri et ſanctæ Romanæ eccleſiæ filium affectione paterna recipimus, et in eadem honoris et familiaritatis prærogativa qua prædeceſſor tuus, egregiæ recordationis Henricus à nobis coronabatur, te propenſius volumus retinere. BOOK I.

N. B. See what is ſaid of this bull p. 245. to 248. of this volume. I will add here, that it does not appear to me from the beſt accounts of thoſe times, that the diſorders which broke out in the kingdom of England on the death of Henry the Firſt were of ſuch a nature, that they could not have been eaſily reſtrained by the grand juſticiary, if he had done his duty as regent and guardian of the kingdom in the abſence of Matilda. Yet the firſt reaſon given by Innocent in this bull to juſtify Stephen's election, is the neceſſity of oppoſing and ſtopping thoſe diſorders. But the real motives, which inclined his Holineſs to approve and confirm that election, were thoſe afterwards mentioned, viz. the recommen-

mendations of the Engliſh prelates, of the king of France, of the earl of Blois, and the promiſes made by Stephen of *obedience and reverence to St. Peter.*

N° IX.

Extract. e Literis G. Abb. Gloc. ad fil. Brierley. Cave Manuſcr. Epiſt. Gilb. Fol. epiſc. London. in Bibliotheca Bodleiana.

This refers to p.245.vol.1ſt.

NON diu eſt quod audiſti Dominum Papam Innocentem convocaſſe Eccleſiam et Romæ conventum celebrem habuiſſe. Magno illi Conventui cum Domino et Patre noſtro Domino Albate Cluniacenſi interfui et ego Cluniacenſium minimus. Ibi cauſa hæc in medium deducta eſt, et aliquandiu ventilata: ſtabatque ab Imperatrice Dominus Andegavenſis Epiſcopus, qui cum cauſam ejus diligenti percurriſſet oratione, contra ipſum, quaſi cum voce præconia, in communi audientia declamatum eſt. Et quia Dominus Andegavenſis duo inducebat præcipue, Jus ſcil. hereditarium et factum Imperatrici juramentum; contra hæc duo in hæc verba reſponſum eſt. Oportet in cauſis omnibus, quæ multiplici jure nituntur, hoc conſiderare præcipuè, quid ſit jus principale in cauſâ, quo cauſa ipſa principaliter innititur; quod vero ſecundarium ſit, et ab ipſo principali dependens. Sublato enim jure principali, neceſſario tollitur et ſecundarium. In hac igitur cauſâ principale eſt, quod Dominus Andegavenſis de hereditate inducit; et ab hoc totum illud dependet, quod de juramento ſubjungitur: Imperatrici namque, ſicut heredi, juramentum factum fuiſſe pronunciat. Totum igitur quod de juramento in-

inducitur exinaniri neceſſe eſt, ſi de ipſo hereditario jure non conſtiterit. Ipſum vero ſic infringitur: Imperatricem, de qua loquitur, non de legitimo matrimonio ortam denunciamus. Deviavit a legitimo tramite Henricus Rex, et quam non licebat ſibi junxit matrimonio, und iſtius ſunt Natalitia propagata; quare illam Patri in heredem non debere ſuccedere et Sacra denunciant. Hoc in communi audientia multorum vociferatione declamatum eſt, et nihil omnino ab altera parte reſponſum. BOOK I.

N. B. This is printed without the abbrevations in the original, and ſome ſtops are added, to make it clearer. See what is ſaid of it from p. 245. to 248. of this volume.

The END of the FIRST VOLUME.

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